SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.:	**2013.0083E**
Project Address:	**270 Brighton Avenue**
Zoning:	Ocean Avenue Neighborhood Commercial Transit (NCT) District Residential, House, Two-Family (RH-2) District 45-X Height and Bulk District
Block/Lot:	6944/044
Lot Size:	11,560 square feet
Plan Area:	Balboa Park Station Area Plan
Project Sponsor:	Reza Khoshnevisan, Sia Consulting (415) 922-0200
Staff Contact:	Don Lewis – (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The project site consists of a vacant surface parking lot located on the southeast corner of Brighton Avenue and Ocean Avenue in San Francisco's Ocean View neighborhood. The project sponsor proposes the subdivision of the vacant lot to provide separation of the two zoning districts (Ocean Avenue NCT and RH-2), and construction of a new building on each of the new lots. Building A would be constructed on the RH-2 lot while Building B would be constructed on the Ocean Avenue NCT lot. Building A would be a new four-story, 39-foot-tall, approximately 5,000-square-foot residential building with two units and two off-street parking spaces while Building B would be a four-story, 45-foot-tall, approximately 30,300-

(Continued on next page.)

EXEMPT STATUS:

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

REMARKS:

(See next page.)

DETERMINATION:

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

Sarah B. Jones
Environmental Review Officer

October 29, 2013
Date

cc: Reza Khoshnevisan, Project Sponsor; Supervisor Norman Yee, District 7; Doug Vu, Current Planning Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

square-foot, mixed-use building with 28 residential units, approximately 3,700 square feet of ground-floor retail use, and twelve off-street parking spaces. Building B would also include 14 bicycle spaces, approximately 4,000 square feet of common open space, and two retail units fronting Ocean Avenue. Both parking garages would be located at the ground-floor level and would be accessed from two new curb cuts on Brighton Avenue. Pedestrian access for both buildings would be on Brighton Avenue. The project site is located within the Balboa Park Station Area Plan area.

Project Approvals

The proposed project would require a variance from Planning Code Sections 134 (Rear yard) and 140 (Exposure), and would also require building permits from the Department of Building Inspection for the proposed new construction. Approval of the building permit would constitute the approval action for purposes of establishing the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.16 of the San Francisco Administrative Code.

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 Community Plan Exemption (CPE) Certificate of Determination evaluates the topics for which a significant impact is identified in the final programmatic EIR, the *Balboa Park Station Area Plan Final EIR*[1] (FEIR), and evaluates whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text of the determination under each topic area. The CPE Exemption Checklist (Attachment A) identifies the potential environmental impacts of the proposed project and indicates whether such impacts are addressed in the *Balboa Park Station FEIR*.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, significant environmental effects, or

[1] *Balboa Park Station Area Plan Final Environmental Impact Report*, Planning Department Case No. 2004.1059E, certified December 4, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.1059E, or at: http://www.sf-planning.org/ftp/files/MEA/2004.1059E_Balboa_FEIR_Pt1.pdf.

significant effects of greater severity than those that were already analyzed and disclosed in the *Balboa Park Station Area Plan FEIR*. This determination does not identify new or additional information that would alter the conclusions of the *FEIR*. This determination also identifies mitigation measures contained in the *FEIR* that would be applicable to the proposed 270 Brighton Avenue project. Relevant information pertaining to prior environmental review conducted for the *Balboa Park Station Area Plan* is included below, along with an evaluation of potential environmental effects.

Background

After several years of analysis, community outreach, and public review, the B*alboa Park Station Area Plan (Area Plan)* was adopted on April 7, 2009. The *Area Plan* was adopted in part to encourage and intensify mixed-use housing and neighborhood-serving retail development near transit. The *Balboa Park Station Area Plan* also included changes to existing height and bulk districts in some areas, including the project site.

During the *Area 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 December 4, 2008, the Planning Commission certified the *FEIR* by Motion 17774 and adopted the Preferred Project for final recommendation to the Board of Supervisors. On April 7, 2009 the Board of Supervisors approved the *Balboa Park Station Area Plan,* and the Mayor subsequently signed the legislation for the *Area Plan,* which was enacted on May 18, 2009. New zoning districts would encourage residential infill, maintain existing commercial uses, encourage new commercial uses and encourage increased public transportation use.

The *FEIR* is a comprehensive programmatic document that presents an analysis of the environmental effects of implementing the *Area Plan,* as well as the potential impacts of the proposed alternative scenarios. The *Balboa Park Station Area Plan Draft EIR* evaluated three alternatives: *Area Plan* with Transportation Improvements; *Area Plan* with No Transportation Improvements; and No Project. The Planning Commission adopted the *Area Plan* with Transportation Improvements as the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the *FEIR.*

The *Balboa Park Station FEIR* identified a significant and unavoidable impact to historic architectural resources and transportation. The *FEIR* included analyses of environmental issues including: land use; population, housing and employment (growth inducement); transportation and circulation; noise; air quality; shadow; archeological resources; historic architectural resources; greenhouse gas emissions; and water quality and hydrology. The *Initial Study* included analyses of visual resources; utilities and public resources; biological resources; geology; energy and natural resources; and hazardous materials.

With the adoption of the *Balboa Park Station Area Plan,* the Building B portion of the project site was re-zoned from Small-Scale Neighborhood Commercial District (NC-2) to Ocean Avenue Neighborhood Commercial Transit (NCT) District while the Building A portion of the project site remained RH-2 (Residential, House, Two-Family). In addition, the *Area Plan* increased the height limit for the Building B portion of the project site from 40 feet to 45 feet while the height limit for the Building A portion of the project site remained 40 feet.

Individual projects that could occur in the future under the *Area Plan* would undergo project level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and whether additional environmental review would be required. This determination concludes that the proposed project at 270 Brighton Avenue is consistent with and was encompassed within the analysis in the *FEIR*, that the *FEIR* adequately described the impacts of the proposed 270 Brighton Avenue project, and identified the necessary mitigation measures in the *FEIR*, as adapted for project-specific conditions described in this Certificate of Determination. Planning Department staff has determined that the proposed project is consistent with the *Balboa Park Station Area Plan* and satisfies the requirements of the General Plan and the Planning Code.[2,3] Therefore, no further CEQA evaluation for the 270 Brighton Avenue project is necessary.

Potential Environmental Effects

The *Balboa Park Station FEIR* included analyses of environmental issues including: land use, plans and policies; population, housing, and employment; transportation; noise; air quality; shadow; hydrology and water quality; historic architectural resources; and growth inducement. The proposed 270 Brighton Avenue project is in conformance with the height, use, and density for the site described in the *FEIR* and would represent a small part of the growth that was forecast for the *Balboa Park Station Area Plan* area in the *FEIR*. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the *FEIR*. The following discussion demonstrates that the project would not result in significant impacts beyond those analyzed in the *FEIR*, including assessment of project-specific impacts related to transportation, air quality, noise, hazardous materials, cultural resources, shadow, and greenhouse gases.

Cultural Resources

Archeological Resources

The *Balboa Park Station FEIR* identified potential archeological impacts related to the *Area Plan* program and identified two archeological mitigation measures that would reduce impacts to a less-than-significant level. Mitigation Measure AM-1 (Accidental Discovery) applies to projects involving activities including excavation, construction of foundations, soils improvement/densification, and installation of utilities or soils remediation resulting in soils disturbance/modification to a depth of 4 feet or greater below ground surface. Mitigation Measure AM-2 (Archeological Monitoring Program) applies to any project involving any soils-disturbing activities greater than 10 feet in depth, including excavation, installation of foundations or utilities or soils remediation, and to any soils-disturbing project of any depth within the Phelan Loop and Kragen Auto Parts Sites, the east side of San Jose between Ocean and Geneva Avenues, and the Upper Yard Parcel.

The proposed project would require approximately five feet of excavation. Therefore, Mitigation Measure AM-1 would apply to the proposed project. With Project Mitigation Measure 1, the proposed project would not result in significant impacts that were not identified in the *Balboa Park Station FEIR* related to archeological resources.

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[2] Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 270 Brighton Avenue. This document is on file and available for review as part of Case File No. 2013.0083E at the San Francisco Planning Department, 1650 Mission Street, Suite 400

[3] Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 270 Brighton Avenue. This document is on file and available for review as part of Case File No. 2013.0083E at the San Francisco Planning Department, 1650 Mission Street, Suite 400

Project Mitigation Measure 1 – Accidental Discovery (Mitigation Measure AM-1 of the *Balboa Park Station FEIR*). The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities contractor involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

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

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

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

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances

of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Based on the above, the proposed project would not result in a significant effect with regard to archeological resources.

Historic Architectural Resources

The *Balboa Park Station FEIR* anticipated that implementation of the *Area Plan* may result in the demolition of buildings identified as contributors to a potential historic district (i.e., the Ocean Avenue Neighborhood Commercial Historic District). The *FEIR* determined that a cumulative significant impact to historic resources would occur due to the loss of contributing buildings, and the construction of considerably taller infill buildings in their place and on other sites within the boundaries of the potential district. The loss of specific buildings could eliminate the integrity of the potential district (i.e., its ability to convey its historic significance through survival of original features) such that a potential district along Ocean Avenue could no longer be justified. The *FEIR* did not recommend any mitigation measures to address this impact. This impact was addressed in a Statement of Overriding Considerations with Findings and adopted as part of the *Balboa Park Station Area Plan* approval on December 4, 2008.

The project site is not located within the boundaries of the potential Ocean Avenue Neighborhood Commercial Historic District. The subject property is currently a fenced vacant surface parking lot and is not considered a historic resource for the purposes of CEQA review. The adjacent building to the west of the project site, 1117 Ocean Avenue, was constructed in 2005 and is not considered a historic resource. The adjacent building to the south of the project site, 262 Brighton Avenue, was constructed in 1924 and is considered a potential historical resource based on its age. While the proposed project would be constructed next to an adjacent building that is considered a potential historic resource, project construction would involve conventional excavation and construction equipment and methods. This is a common condition in San Francisco and the Department of Building Inspection (DBI) permit procedures adequately address this situation. DBI's involvement in the review and approval of the building permit application would ensure the construction of the proposed project would not materially impair the adjacent building.

Based on the above, the proposed project would not result in a significant effect with regard to historic architectural resources.

Transportation

The *Balboa Park Station FEIR* anticipated that growth resulting from the *Area Plan* could result in significant transportation impacts and identified transportation mitigation measures. These impacts were found to be significant and unavoidable because cumulative traffic impacts at certain local intersections and the cumulative impacts on the Muni K-Ingleside transit line could not be fully mitigated to less-than-significant levels. These impacts were addressed in a Statement of Overriding Considerations with Findings and adopted as part of the *Balboa Park Station Area Plan*, which was approved on December 4, 2008.

Trip Generation

Trip generation for 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.[4] The proposed project would generate approximately 820 person trips (inbound and outbound) on a weekday daily basis, consisting of about 568 person trips by auto, 130 transit trips, 101 walk trips and 22 trips by other modes. During the p.m. peak hours, the proposed project would generate an estimated 46 vehicle trips[5] (accounting for vehicle occupancy data for this Census Tract), 19 transit trips, 10 walk trips and 3 trips by other modes.

Traffic
Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

Intersection operating conditions in the Project Area were analyzed for the weekday p.m. peak hour for two future scenarios: 2025 without the *Area Plan* and 2025 with the *Area Plan*. Seven study intersections would be expected to operate at acceptable conditions (LOS D or better) during the p.m. peak hour in 2025 with the *Area Plan's* traffic contribution while five study intersection would be expected to operate at unacceptable conditions (LOS E or worse). The nearest intersections to the project site for which the *Balboa Park Station FEIR* identified significant adverse impacts under the 2025 weekday p.m. peak hour scenario were at Ocean Avenue/Geneva Avenue/Phelan Avenue (about 2 ½ blocks east of the project site); Ocean Avenue/I-280 northbound on-ramp (0.4 miles east of project site); Ocean Avenue/San Jose Avenue[6] (0.4 miles); and the Geneva Avenue/I-280 southbound and northbound on-ramps (0.37 miles east of project site).

Mitigation measures were identified in the *FEIR* to reduce impacts at the Ocean Avenue/I-280 northbound on-ramp and Ocean Avenue/San Jose Avenue intersections to acceptable levels. The *FEIR* found that in order to improve operating conditions to acceptable levels at the Ocean Avenue/I-280 northbound on-ramp intersection, on-street parking would need to be removed from the westbound approach to the intersection in order to stripe an exclusive right-turn lane. In addition, five seconds of green time would need to be shifted from the westbound movement to the eastbound left-turn movement to accommodate the increased eastbound left-turn volume. The *FEIR* found that operating conditions at the Ocean Avenue/San Jose Avenue intersection could improve by adding eight seconds of green time, which would need to be shifted from the north-south permitted phase to the east-west permitted phase to accommodate the increased east-west volume. As stated in the *FEIR*, implementation of these mitigation measures would require an assessment by San Francisco Municipality Transportation Agency (MTA), and since it is uncertain whether MTA would find these changes to be feasible or acceptable, the future adverse operating conditions at these intersections would remain. Therefore, these impacts would be considered significant and unavoidable.

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[4] These calculations are available for review as part of Case File No. 2013.0083E the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[5] Due to the project's location near major transit routes, this is likely a conservative estimate of vehicle trips.

[6] The FEIR found that the Ocean Avenue/San Jose Avenue intersection would operate at unacceptable conditions (LOS F) in 2025 with or without the proposed Area Plan.

The *FEIR* did not identify feasible mitigation measures to address operating conditions at the Ocean Avenue/Geneva Avenue/Phelan Avenue intersection or the Geneva Avenue/I-280 northbound and southbound on-ramps. Therefore, the transportation changes implemented as part of the *Area Plan* would result in significant unavoidable cumulative impacts at these intersections.

With *Area Plan* implementation, the *FEIR* found that poor operating conditions at Ocean Avenue/Geneva Avenue/Phelan Avenue would occur due to the changes to the intersection configuration, which includes the elimination of the westbound and southbound channelized right-turn pockets and restriping of the eastbound and northbound approaches. As a result, substantial congestion and queuing would develop. Due to the reconfiguration of the intersection, the *FEIR* found no feasible mitigation measures could be developed and therefore there would be a significant and unavoidable impact. During the p.m. peak hours, the proposed project would generate an estimated 46 vehicle trips. Consistent with the assumptions of the *FEIR*, it is anticipated that the proposed project would add vehicle trips to the Ocean Avenue/Geneva Avenue/Phelan Avenue intersection that could potentially contribute to the adverse condition. This impact was disclosed in the *FEIR* as significant and unavoidable due to future growth in the project area and the infeasibility of mitigation.

The proposed project would also add vehicle trips to the following intersections that were mentioned above: Ocean Avenue/I-280 northbound on-ramp; Ocean Avenue/San Jose Avenue[7] (0.4 miles); and the Geneva Avenue/I-280 southbound and northbound on-ramps. Given the distance of the project site to these intersections, and that the proposed project would only add approximately 46 p.m. peak hour vehicle trips, the proposed project is not anticipated to substantially increase traffic volumes at these or other nearby intersections. The proposed project's contribution of 46 p.m. peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by the *Balboa Park Station Area Plan* projects, should they be approved. In addition, the proposed project's contribution of 46 p.m. peak hour vehicle trips would be considered minimal compared to the increased number of vehicles anticipated at these intersections. Therefore, the proposed project would not result in a project-specific significant traffic impact. Consistent with the assumptions of the *FEIR*, it is anticipated that the proposed project would add vehicle trips to the Ocean Avenue/I-280 northbound on-ramp, Ocean Avenue/San Jose Avenue, and the Geneva Avenue/I-280 southbound and northbound on-ramp intersection. This impact was disclosed in the *FEIR* as significant and unavoidable due to future growth in the project area and uncertainty concerning the feasibility an acceptability of mitigation.

Transit

The *Balboa Park Station FEIR* found that impacts on the K-Ingleside Muni Metro line would be considered significant and unavoidable. Implementation of the *Area Plan* would contribute about six percent to the future ridership on the K-Ingleside line at the maximum load point, increasing the already exceeded capacity utilization from 100 percent to 106 percent during the p.m. peak period. This contribution of about six percent would be considered a significant contribution to cumulative adverse transit conditions on this line. The *FEIR* noted that capacity would be exceeded on the K-Ingleside, both with and without the addition of transit riders generated by the proposed *Area Plan*. The *FEIR* did not identify feasible

[7] The FEIR found that the Ocean Avenue/San Jose Avenue intersection would operate at unacceptable conditions (LOS F) in 2025 with or without the proposed Area Plan.

mitigation measures to reduce this impact to a less-than-significant level. Mitigations measures (e.g., running double-trains during p.m. peak hours) could reduce this impact; however, at a program level of analysis, there is no assurance that MTA would be able to fund or implement these measures. For the purposes of CEQA review, no feasible mitigation measures have been identified, and therefore, the impact on the K-Ingleside line would remain significant and unavoidable.

The proposed project is estimated to add about 130 daily transit person trips, of which 19 are estimated to occur in the p.m. peak hour. Consistent with the assumptions in the *Balboa Park Station FEIR*, it is anticipated that the proposed project would add transit trips to the K-Ingelside Muni Metro line that could potentially contribute to its cumulative adverse transit condition. This impact was disclosed in the *FEIR* as significant and unavoidable due to future growth in the project area and the infeasibility of mitigation measures that could reduce the impact to a less-than-significant level.

The project site is served by other local transit lines including Muni Metro lines (J-Church and M-Oceanside) and Muni bus lines (8X-Bayshore Express, 8BX-Bayshore B Express, 29-Sunset, 43-Masonic, 49-Van Ness-Mission, 54-Felton, and 88 BART Shuttle) that have the capacity to accommodate these new trips. The proposed project would not substantially interfere with any nearby transit routes. Therefore, the proposed project would not result in transit-related significant impacts that were not identified in the *Balboa Park Station FEIR*.

Noise

The *Balboa Park Station FEIR* noted that the existing ambient noise environment within the *Area Plan* area is dominated by vehicular traffic on the I-280 freeway and traffic on local roadways, and that some streets have higher background noise levels, such as Ocean Avenue. Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas.

The *Balboa Park Station FEIR* concluded that traffic increases and circulation changes associated with *Area Plan*-related growth and development would be less than significant. Overall, *Plan*-related growth and transportation improvements would not significantly affect future noise levels along local roadways. However, San Francisco Noise Land Use Compatibility Guidelines indicate that new residential construction or development in areas with noise levels above 60 dBA (Ldn)[8] should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. Since noise measurements indicate noise levels exceed 60 dBA (Ldn) in most areas of the *Plan* area, the *Balboa Park Station FEIR* identified the following mitigation measure that would

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

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

reduce impacts to future residential development proposed in the *Area Plan* area to a less-than-significant level. The proposed project includes residential uses and therefore Mitigation Measure N-1 would apply. With Project Mitigation Measure 2, the proposed project would not result in significant impacts that were not identified in the *Balboa Park Station FEIR* related to noise.

> **Project Mitigation Measure 2 – Noise Study (Balboa Park Station FEIR Mitigation Measure N-1:** The San Francisco Land Use Compatibility Guidelines for Community Noise requires that a detailed evaluation of noise reduction requirements be made by the project sponsor(s) and needed noise reduction requirements are incorporated into the project design wherever new residential development is proposed in areas subject to existing or future noise levels over 60 dBA (CNEL).

Furthermore, the FEIR noted that in areas with noise levels up to 70 dBA (CNEL)[9], conventional construction with closed windows and fresh air supply systems or air conditioning will normally be adequate to maintain acceptable interior noise levels.

The Environmental Protection element of the General Plan contains Land Use Compatibility Guidelines for Community Noise.[10] These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable ambient noise levels for various newly developed land uses. For residential uses, the maximum satisfactory noise level without incorporating noise insulation into a project is 60 dBA (Ldn) while the guidelines indicate that residential development should be discouraged at noise levels above 70 dBA (Ldn).[11] Where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements is typically necessary before final review and approval, and new residences must include noise insulation features in their design. In addition, Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects. This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residences.

To analyze the noise environment at the project site and to comply with Project Mitigation Measure 2, an environmental noise consulting firm conducted noise measurements to document existing noise sources and noise levels contributing to ambient noise levels.[12] The project site's existing noise environment is dominated by vehicular traffic on Ocean Avenue and by Light Rail vehicles operating on the adjacent Muni K-Ingleside line right-of-way on Ocean Avenue. The noise measurements recorded a day-night noise average of 74 to 75 dBA (Ldn) along the project facades along Ocean Avenue while project facades on Brighton Avenue are expected to be 65 to 75 dBA (Ldn). Project facades facing the courtyard and back

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9 The community noise equivalent level to the energy equivalent level of the A-weighted noise level over a 24-hour period with a 5 dB penalty applied to noise levels between 7 p.m. and 10 p.m. and a 10 dB penalty applied to noise levels between 10 p.m. and 7 a.m.

10 San Francisco General Plan. Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise, http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm.

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

12 Wilson Ihrig and Associates, CCR Title 24 Noise Study Report and Vibration Study, 270 Brighton Avenue, San Francisco, California, September 30, 2013. This document is available for review in Project File No. 2013.0083E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco.

lot areas will experience noise levels of 60 dBA (Ldn) and below, and the common roof deck will experience noise levels of below 60 dBA (Ldn). The noise assessment did not identify any land uses that generate unusual noise within the vicinity of the project site.

To meet Title 24 Standards, the project sponsor has agreed to incorporate the noise consultant's following recommendations into the project's design. The noise consultant recommends that the project sponsor use three classes of exterior window and door glazing with a Sound Transmission Class (STC) rating of 39 (Class 1), 29 (Class II), and 27 (Class 3) depending on exposure. For example, Class 1 window and door glazing would be installed for the residential units facing Ocean Avenue. This would create an interior noise environment of 41 dBA (75 – 39 = 36), which would ensure an interior noise environment of 45 dBA in habitable rooms as required by the San Francisco Building Code. In addition, the noise consultant recommends supplemental ventilation for all of the project's residential units requiring glazing of Classes I, II, and III.

The noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required for this environmental review. During review of the building permit, the Department of Building Inspection would review project plans for compliance with Title 24 noise standards. Compliance with Title 24 standards and with the City's General Plan would ensure that effects from exposure to ambient noise would result in less than significant impacts.

Generally, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared for the project, traffic volumes would not double on area streets as a result of the proposed project. Therefore, the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity, and this impact would be less than significant.

The project includes mechanical equipment that could produce operational noise, such as that from heating and ventilation systems. These operations would be subject to Section 2909 of the City's Noise Ordinance (Article 29 of the San Francisco Police Code). As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line: for noise generated by residential uses, the limit is 5 dBA in excess of ambient, while for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient and for noise on public property, including streets, the limit is 10 dBA in excess of ambient. In addition, the noise ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours (until 10:00 PM). The proposed project would comply with Article 29, Section 2909, by including acoustical construction improvements to achieve an interior day-night equivalent sound level of 45 dBA. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, noise effects related to building operation would be less than significant, and the proposed building would not contribute to a considerable increment to any cumulative noise impacts from mechanical equipment.

The construction of the proposed project would temporarily increase noise in the vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. No heavy excavation equipment or pile drivers would be used during construction. Construction noise would fluctuate depending on the construction phase, equipment type and duration of use, and distance between noise source and listener. Further, construction noise would be intermittent and limited to the period of construction.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). This ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, impact wrenches) must have boot intake and exhaust muffled to the satisfaction of the Department of Public Works (DPW) or the Department of Building Inspection (DBI). Section 2908 of the ordinance prohibits construction between 8:00 PM and 7:00 AM, if noise would exceed the ambient noise level by 5 dBA at the project site's property line, unless a special permit is authorized by DPW or DBI. Compliance with the noise ordinance would reduce most potential construction noise impacts to a less than significant level, including noise effects on residential uses in the immediate vicinity, which are considered sensitive receptors.

The *Balboa Park Station FEIR* stated that rapid transit train (such as BART trains) and light rail train (such as Muni trains) operations can produce groundborne vibration, which can adversely affect adjacent land uses. The *FEIR* concluded that if any residential uses are proposed within 150 feet of Muni rail facilities or within 200 feet of BART facilities, a vibration analysis would be required to determine the potential for impact and need for incorporation of design measures to reduce vibration to acceptable levels. To reduce vibration impacts to a less-than-significant level, the *FEIR* identified Mitigation Measure N-2 which would ensure that future residents or other vibration-sensitive land uses would not be subject to disturbance from vibration. The 270 Brighton Avenue project is located within 40 feet of Muni light rail facilities and proposes residential use, and therefore Mitigation Measure N-2 applies to the proposed project.

> **Project Mitigation Measure 3 – Vibration Analysis (Balboa Park Station FEIR Mitigation Measure N-2):** The project sponsor(s) would be required to complete a vibration analysis for any residential or vibration-sensitive land uses proposed within critical distances of existing or planned BART or Muni facilities (listed in Table 18, p. 231) and measures shall be incorporated into the design as necessary to reduce the potential for vibration disturbance.

A vibration study was completed for the proposed project and based on its results, projected vibration levels would be well below the Federal Transit Administration (FTA) criteria for maximum acceptable levels of vibration.[13] Therefore, the proposed project would not expose future residents or other sensitive receptors to significant vibration impacts.

Air Quality

The *Balboa Park Station Initial Study* identified a significant construction-related air quality impact and determined that Mitigation Measure AQ-1, which specified construction dust control measures, would reduce the effects to a less-than-significant level. Subsequent to publication of 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. Construction activities from the proposed project would result in dust, primarily from ground-disturbing activities.

[13] Ibid.

The project sponsor would be required to comply with the Construction Dust Control Ordinance, which would avoid any significant potential construction-related air quality impacts. As a result, the proposed project would not have significant impacts related to the generation of construction dust.

The Balboa Park Station FEIR identified potentially significant air quality impacts related to exposing future residential uses near roadways with elevated pollutant levels, diesel particulate matter and PM_{10}. These significant impacts would conflict with the applicable air quality plan in effect at the time, the *Bay Area 2005 Ozone Strategy*. The *Balboa Park Station FEIR* determined that Mitigation Measure AQ-2 would reduce effects to a less-than-significant level.

The air quality impact analysis in the *FEIR* indicates that traffic increases associated with projected growth and development within the *Plan* area would not significantly degrade regional or local air quality except for PM_{10}. While the regional and local air quality impact discussions in the *Balboa Park Station FEIR* demonstrate that future residents of the project area would not be subject to unhealthful regional and local air quality associated with *Plan*-related traffic, *Area Plan* implementation would increase the number of residential receptors in proximity to existing toxic air contaminants (TAC), pollutant, and odor emission sources, which could increase the potential for future land use conflicts. Diesel particulate matter (DPM) from trucks is the primary TAC of concern and constitutes the majority of the known health risk from motor vehicle traffic. The BAAQMD and California Air Resources Board recommend that new sensitive land uses (e.g., residences, schools, day care centers, playgrounds, and medical facilities) not be located within 500 feet of a freeway or urban roads carrying 100,000 vehicles per day. Under the *Area Plan*, there are several areas designated for new residential development that would be within 500 feet of the I-280 freeway, and these residents could be subject to unhealthful levels of DPM. The *Balboa Park Station FEIR determined that* this is a significant impact of the *Area Plan*, but given future trends of declining DPM emissions and other vehicle emissions, the length of time that *Area Plan* build-out would occur (2025), local meteorological conditions, and overall land use objectives to encourage infill and transit-oriented development (which would improve regional air quality), health risks could be minimized by provision of upgraded ventilation systems.

The *Balboa Park Station FEIR* found that implementation of the *Area Plan* would increase the number of residents located near pollutant emission and odor sources such as the I-280 freeway and major roadways. Any future residences located in proximity to the planned intermodal station on the freeway deck or the relocated Phelan Loop bus layover facility also could be subject to diesel exhaust odors from idling buses. When detectable, these odors could be a nuisance to future residents. While potentially significant health risks associated with diesel exhaust are discussed above, upgraded ventilation systems that would be required in residential units to address this issue would also reduce the potential for this impact to less than significant.

The Balboa Park Station FEIR Mitigation Measure AQ-2 requires new residential development to include an analysis of PM2.5 and, if warranted based on the results, to incorporate upgraded ventilation systems to minimize exposure of future residents to PM2.5 (which includes DPM) and other pollutant emissions, as well as odors for projects located (1) within 500 feet of the I-280 freeway; (2) adjacent to the proposed bus layover facility on the Phelan Loop Site; (3) any active recreation areas such as playgrounds that are proposed as part of any future residential development in either of these areas; and (4) any other location where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles. The proposed project at 270 Brighton Avenue is over 1,800 feet from the I-280 freeway, is not adjacent to the proposed bus layover facility, does not propose active recreation areas, and total daily

traffic volumes from all roadways within 500 feet do not exceed 100,000 vehicles.[14] Therefore, Mitigation Measure AQ-2 does not apply to the proposed project.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed "air pollution hot spots," were identified based on two health-protective criteria: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per one million population, and/or (2) cumulative PM2.5 concentrations greater than 10 micrograms per cubic meter (μg/m3). The project site is not located within an identified air pollution hot spot.

Construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. However, the proposed project's construction activities would not exceed any of the significance thresholds for criteria air pollutants, and would result in a less-than-significant construction criteria air pollutant impact. Furthermore, the proposed project would be subject to, and would comply with, California regulations limiting idling to no more than five minutes, which would further reduce nearby sensitive receptors exposure to temporary and variable DPM emissions. Therefore, construction period TAC emissions would result in a less-than-significant impact to sensitive receptors.

Hazardous Materials

The *Balboa Park Station Initial Study* identified a significant impact from the release of contaminated soil during the construction of subsequent projects within the Plan Area and identified Mitigation Measures HM-1, HM-3, and HM-4. Subsequently, the San Francisco Board of Supervisors amended Health Code Article 22A, which is administered and overseen by the Department of Public Health (DPH) and is also known as the Maher Ordinance. Amendments to the Maher Ordinance became effective August 24, 2013, and require sponsors for projects that disturb soil on sites that are known or suspected to contain contaminated soil and/or groundwater to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

As discussed in the CPE Checklist, only Mitigation Measure HM-1 applies to the proposed project.

> **Project Mitigation Measure 4 – Phase I, Environmental Site Assessment (Mitigation Measure HM-1 of the *Balboa Park Station FEIR*).** Development projects in the *Balboa Park Station Area Plan* Project Area that include excavation, shall prepare a site-specific Phase I Environmental Site Assessment for sites not subject to regulatory closure prior to development. The site assessment shall include visual inspection of the property; review of historical documents; and review of environmental databases to assess the potential for contamination from sources such as underground storage tanks, current and historical site operations, and migration from off-site sources. If the Phase I Environmental Site Assessment indicates that a release of hazardous materials could have affected soil or groundwater quality at the site, follow up investigations and possibly remediation shall be conducted in conformance with state and local laws, regulations, and guidelines.

To comply with Project Mitigation Measure 4, the project sponsor provided a Phase I Environmental Site Assessment (ESA) for the proposed project.[15] Based on a review of historical resources, the property has

[14] The total daily traffic volume from all roadways within 500 feet of the proposed project is approximately 55,000 vehicles.

been utilized as a parking lot associated with the adjacent McDonald's restaurant (at 1201 Brighton Avenue) since 2000. The subject property was formerly developed with a residence on the southern portion of the property from at least 1915 until 2000, a retail structure on the northeastern portion of the property from at least 1915 until 1973 and a second retail structure on the northeastern portion of the property from at least 1938 until 1973. The central, northern, and western portions of the property appear to have been used as a parking lot since at least 1915. No potential environmental concerns were identified in association with the current or historical use of the subject property. The subject property was not identified in the regulatory database. The Phase I ESA has revealed no evidence of Recognized Environmental Conditions in connection with the property and recommended no further investigations for the subject property. Therefore, the proposed project would have a less than significant effect related to hazardous materials.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on July 23, 2013 to adjacent occupants and owners of properties within 300 feet of the project site. Two members of the public provided comments regarding parking, visual quality, the number of proposed units, and traffic on Brighton Avenue and Ocean Avenue. The CPE Certificate addresses traffic impacts (pages 7-8) while the CPE Checklist addresses parking (pages 9-10), visual quality (pages 4-5), and residential density (page 3).

Conclusion

The *Balboa Park Station FEIR* incorporated and adequately addressed all potential impacts of the proposed 270 Brighton Avenue project. As described above, the proposed 270 Brighton Avenue project would not have any additional or peculiar significant adverse effects not examined in the *Balboa Park Station FEIR*, nor has any new or additional information come to light that would alter the conclusions of the *Balboa Park Station FEIR*. Thus, the proposed project would not have any new significant or peculiar effects on the environment not previously identified in the *Balboa Park Station FEIR*, nor would any environmental impacts be substantially greater than described in the *Balboa Park Station 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.

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15 AEI Consultants, Phase I Environmental Site Assessment, 270 Brighton Avenue, San Francisco, California, November 27, 2012. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2013.0083E.

Attachment A
Community Plan Exemption Checklist

Case No.:	**2013.0083E**
Project Address:	**270 Brighton Avenue**
Zoning:	Ocean Avenue Neighborhood Commercial Transit (NCT) District Residential, House, Two-Family (RH-2) District 45-X Height and Bulk District
Block/Lot:	6944/044
Lot Size:	11,560 square feet
Plan Area:	Balboa Park Station Area Plan
Project Sponsor:	Reza Khoshnevisan, Sia Consulting (415) 922-0200
Staff Contact:	Don Lewis - (415) 575-9095 don.lewis@sfgov.org

A. PROJECT DESCRIPTION

The project site consists of a vacant surface parking lot located on the southeast corner of Brighton Avenue and Ocean Avenue in San Francisco's Ocean View neighborhood. The project sponsor proposes the subdivision of the vacant lot to provide separation of the two zoning districts (Ocean Avenue NCT and RH-2), and construction of a new building on each of the new lots. Building A would be constructed on the RH-2 lot while Building B would be constructed on the Ocean Avenue NCT lot. Building A would be a new four-story, 39-foot-tall, approximately 5,000-square-foot residential building with two units and two off-street parking spaces while Building B would be a four-story, 45-foot-tall, approximately 30,300-square-foot, mixed-use building with 28 residential units, approximately 3,700 square feet of ground-floor retail use, and twelve off-street parking spaces. Building B would also include 14 bicycle spaces, approximately 4,000 square feet of common open space, and two retail units fronting Ocean Avenue. Both parking garages would be located at the ground-floor level and would be accessed from two new curb cuts on Brighton Avenue. Pedestrian access for both buildings would be on Brighton Avenue. The project site is located within the Balboa Park Station Area Plan area.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

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 final EIR (FEIR) for the plan area, the *Balboa Park Station Area Plan*. 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 of the Certificate of Determination under 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 will be addressed in a separate Focused Initial Study or EIR. For any topic that was found to be less than significant (LTS) in the FEIR and for the proposed project or would have no impacts, the topic is marked LTS/No Impact and is discussed in the Checklist below.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FPEIR*	*Project Has Sig. Peculiar 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?	☐	☐	☐	☒

No Significant Impact Identified in FEIR

The *Balboa Park Station Area Plan* did not propose changes to existing land use patterns, but would intensify and encourage mixed-use housing and neighborhood-serving retail development near transit areas. The *Balboa Park Station FEIR* stated that most new *Area Plan*-related development would occur on opportunity or infill development sites. Therefore, implementation of the *Area Plan* would not divide or disrupt an existing community, and would not have adverse land use effects. The *FEIR* analyzed the proposed land use changes and determined that the *Area Plan* would not result in a significant adverse impact in land use character. Furthermore, the *FEIR* determined that the rezoning would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No mitigation measures related to land use were identified in the *FEIR*.

No Peculiar Impacts

The proposed project is consistent with the *Balboa Park Station Area Plan* and satisfies the requirements of the General Plan and the Planning Code.[1,2] The proposed project would

[1] Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 270 Brighton Avenue, July 30, 2013. This document is on file and available for review as part of Case File No. 2013.0083E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

construct two new buildings on a vacant parking lot, and both buildings would be consistent with the height and bulk controls for the site analyzed in the *FEIR*. The proposed project would intensify uses in the project vicinity, but would not result in a significant environment effect. The new land uses would not have an impact on the character of the vicinity beyond what was identified in the *FEIR*. Further, the project would not result in a physical division of an established community.

With the adoption of the *Balboa Park Station Area Plan*, the Building B portion of the project site was re-zoned from Small-Scale Neighborhood Commercial District (NC-2) to Ocean Avenue Neighborhood Commercial Transit (NCT) District while the Building A portion of the project site remained RH-2 (Residential, House, Two-Family). The Ocean Avenue NCT District is a multi-purpose transit-oriented small-scale commercial district that transitions from a predominantly one- and two-story retail district to include neighborhood-serving commercial uses on lower floors and housing above. The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. Buildings may range in height, with height limits generally allowing up to four or five stories. The proposed project includes two ground-floor retail spaces with residential units. The Ocean Avenue NCT does not provide a residential density limit by lot area. The proposed project is consistent with the *Plan's* goals of mixed-use, high-density development near transit. The project's reliance on the existing parking supply and transit facilities to support future trips is consistent with the *Plan's* policies. Furthermore, the proposed street-front retail is consistent with the *Plan's* design principles. Therefore, the proposed project would have no significant impacts related to land use.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar 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?	☐	☐	☐	☒

[2] Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 270 Brighton Avenue, July 31, 2013. This document is on file and available for review as part of Case File No. 2013.0083E at the San Francisco Planning Department, 1650 Mission Street

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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 Impact Identified in the Initial Study

The *Balboa Park Station Initial Study* found that the *Area Plan* and its specific development projects would not result in significant impacts related to visual quality and urban design. The *Area Plan* changed the height and bulk controls in selected portions of the *Plan* area. These height and bulk changes are intended to ensure that potential development opportunities in the *Plan* area are maximized, but new development would still be appropriately scaled for the surrounding low- to mid-rise context. The *Initial Study* found that while the *Area Plan* would result in visual changes within the project area, these aesthetic changes would improve the overall visual quality of the affected area.

Although the development resulting from the *Area Plan* would be visible from surrounding areas, implementation of the *Area Plan* would not obstruct existing publicly accessible scenic views nor have a substantial adverse effect on an existing scenic vista. Implementation of the *Area Plan* is not expected to result in a substantial increase from the existing amount of outdoor lighting. Future development would be required to comply with all applicable City standards related to lighting. No mitigation measures related to aesthetics were identified in the *FEIR*.

No Peculiar Impacts

With the adoption of the *Balboa Park Station Area Plan*, the height and bulk district of the 270 Brighton Avenue project site changed from 40-X to 45-X. The proposed project would involve the construction of two buildings. Building A would be a four-story, 39-foot-tall, approximately 5,000-square-foot, residential building with two units while Building B would be a new four-story, 45-foot-tall, approximately 30,300-square-foot, mixed-use building with 28 residential units and approximately 3,700 square feet of ground-floor retail use. While the new buildings would change the visual appearance of the site, it would not substantially degrade its visual character or quality. Furthermore, the proposed buildings would not be substantially taller than existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the *Plan* area and the City as a whole.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such change. In addition, the proposed building envelope meets Planning Code requirements for both the Ocean Avenue NCT and RH-2 zoning districts.

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

The proposed project's potential aesthetic effects would be consistent with the effects considered in the *Balboa Park Station FEIR*, which were determined to be less-than-significant.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar 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 Impact Identified in FEIR

The *Balboa Park Station FEIR* concluded that significant adverse physical effects on the environment would not result from the anticipated population and density increases. The *Balboa Park Station Area Plan* is anticipated to result in a net increase of 4,095 residents by the year 2025. The *FEIR* determined that while the *Plan* would generate household growth, it would not cause an adverse physical impact as it would focus new housing development in San Francisco in an established urban area that has a high level of transportation and other pubic services that can accommodate the proposed residential increase. No mitigations measures related to population and housing were identified in the *FEIR*.

No Peculiar Impacts

The proposed project is not anticipated to create a substantial demand for increased housing, because it would provide a relatively small amount of commercial space (approximately 3,700 square feet). Additionally, the proposed project would not displace substantial numbers of

people, because the project site is currently a vacant lot and does not contain any residential use. As such, construction of replacement housing would not be necessary. The proposed project would include 30 residential units, four of which would be new inclusionary affordable housing units.

The proposed project would not induce substantial population growth and any increase in population would be within the scope of the *Balboa Park Station FEIR* analysis. The proposed new residential units and retail space is consistent with the projections in the *FEIR* and there would be no significant environmental effects peculiar to the project or its site. No mitigation measure was identified in the *FEIR*, and none would be required for the proposed project.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar 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?	☐	☐	☐	☒

Significant Impact Identified in FEIR

The *Balboa Park Station FEIR* anticipated that implementation of the *Area Plan* may result in the demolition of buildings identified as contributors to a potential historic district (i.e., the Ocean Avenue Neighborhood Commercial Historic District). The *FEIR* determined that a significant cumulative impact to historic resources would occur due to the loss of contributing buildings, and the construction of considerably taller infill buildings in their place and on other sites within the boundaries of the potential district. The loss of specific buildings could eliminate the integrity of the potential district (i.e., its ability to convey its historic significance through survival of original features) such that a potential district along Ocean Avenue could no longer be justified. The *FEIR* also determined that significant impacts to archeological resources could occur due to the lack of survey and data collection required to identify the location of specific pre-historic and historic archeological resources. Mitigation measures were identified for historic and archeological resources. For a discussion of these topics, please see the Certificate of Determination.

No Peculiar Impacts

The proposed project would not directly or indirectly destroy unique paleontological resources or sites or unique geologic feature. Given that the maximum depth of excavation is five feet, the possibility of finding and impacting paleontological resources is low. The topography at the site is flat and graded from previous uses so the possibility of impacting unique geologic features is low. Therefore, impacts to paleontological resources and a unique geologic feature are less than significant.

The Certificate of Determination for this Community Plan Exemption (CPE Certificate) will address historic and archeological resources (topics 4a, b, and d).

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

Significant Impact Identified in FEIR

Full build-out of the *Area Plan's* development program by 2025 can be expected to result in unavoidable significant impacts to transit ridership and traffic at various intersections within the *Plan* area. Therefore, the CPE Certificate will discuss and address these topics. The *FEIR* found that pedestrian and bicycle conditions would continue to remain acceptable. The *Area Plan*

proposes to establish a new bicycle lane along Ocean Avenue between San Jose Avenue and Harold Avenue, and Phelan Avenue between Judson Avenue and Ocean Avenue. These new bicycle lanes would enhance bicycle conditions by extending the current bicycle network and by providing key connections to San Francisco and transit nodes in the *Plan* area. The *Area Plan* proposes improvements to pedestrian safety such as consolidating the access points for the I-280 on/off ramps at Geneva Avenue, which could impair the flow of bicycle traffic and safety. Regardless the existing system would be adequate to handle any additional bicycle capacity from the proposed project.

At the intersection of Ocean Avenue/Geneva Avenue/Phelan Avenue, the *Area Plan* calls for elimination of the channelized right-turn pockets for southbound and westbound traffic, and restriping of the northbound and eastbound approaches. In addition, corner sidewalk bulbs are proposed at this intersection to shorten the pedestrian crossing distances and times. These modifications would substantially improve pedestrian conditions and reduce the potential for conflicts between pedestrians and vehicular traffic (especially the elimination of the channelized right-turns).

As stated in the *FEIR*, full build-out of development under the proposed *Area Plan* would result in a peak parking demand of about 3,004 spaces, including 2,314 spaces for the residential uses and 690 spaces for the retail uses. For the analysis of parking conditions with implementation of the *Area Plan*, two scenarios were considered: 1) no parking provided (as allowed under the proposed Planning Code changes with the *Area Plan*); and 2) current code-required parking provided (a total of 2,027 spaces). If no parking were to be provided as part of development proposals within the Project Area, there would be a shortfall of about 3,004 parking spaces during the weekday evening period. If the maximum parking were to be provided under the current Planning Code requirement, there would be a shortfall of about 929 parking spaces during the weekday evening period. With the new developments proposed in the *Area Plan*, and with either current or proposed parking requirements, parking occupancy in the *Project Area* would increase to over 100 percent capacity at full build-out. Due to parking supply constraints and the *Project Area's* accessibility to transit and other alternate modes, future parking demand and shortfalls may be lower than estimated.

The *FEIR* found that potential construction impacts associated with individual development proposal are not considered significant since they are temporary and of short-term duration.

No Peculiar Impacts

The CPE Certificate will address traffic and transit since the *FEIR* identified significant and unavoidable impacts for these topics. The proposed project is not located near an airport so traffic will not impair access to an airport or change in location that would result in substantial safety risks. In addition, the project does not involve design features that have the potential to increase hazards, and emergency access will not be impaired or inadequate for the proposed project.

Pedestrian and Bicycle Conditions

The proposed project would not cause a substantial conflict between pedestrian and vehicle traffic. Sidewalk and crosswalk widths near the project site are adequate to handle existing and

future pedestrian volumes. While the proposed project includes two new curb cuts on Brighton Avenue, it is not anticipated to result in adverse or unsafe pedestrian conditions. Pedestrian activity would increase as a result of the proposed project, but not to a degree that pedestrians could not be safely accommodated on local sidewalks. Pedestrian conditions would continue to remain acceptable with the addition of the proposed project.

In the vicinity of the project site, there are two major Citywide Bicycle Routes, #90 and #84, that stretch from Junipero Serra Boulevard to San Jose Avenue along Ocean Avenue. It is not anticipated that the proposed project would result in significant impacts to bicycle safety or would substantially contribute to the anticipated significant traffic-operations impact at the Ocean Avenue/Geneva Avenue/Phelan Avenue intersection.

For the reasons discussed above, the proposed project would not result in pedestrian- or bicycle-related peculiar impacts that were not identified in the *FEIR*.

Loading

Loading demand for 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.[3] Based on the SF Guidelines, the proposed project would generate an average truck loading demand of 0.07 truck-trips per hour. Planning Code Section 152.1 does not require off-street loading for residential development less than 100,000 square feet and for retail use less than 10,000 square feet. Therefore, off-street loading spaces are not required for the proposed project, and the project would have a less-than-significant impact on loading.

Parking

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. While parking conditions change over time, a substantial deficit in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a deficit in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial deficit in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts cause by congestion), depending on the project and its setting.

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 or other modes (walking and biking), would be in keeping with the City's "Transit First" policy

[3] These calculations are available for review as part of Case File No. 2013.0083E the San Francisco Planning Department, 1650 Mission Street, Suite 400.

and numerous San Francisco General Plan Polices, including those in the Transportation Element. 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."

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. 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, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that 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, would reasonably address potential secondary effects.

The parking demand for the new uses associated with the proposed project was determined based on the methodology presented in the *SF Guidelines*. On an average weekday, the demand for parking for the proposed uses would be 66 spaces. The proposed project would provide 14 off-street spaces. Thus, as proposed, the project would have an unmet parking demand of 52 spaces. Some of the unmet parking demand may be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity.

The project site is located in the Ocean Avenue NCT District where under Section 151.1 of the *Planning Code*, the proposed project would not be required to provide any off-street parking spaces.[4] Additionally, the project site is well served by public transit and bicycle facilities. This parking deficit would not be considered substantial, and therefore the impact to parking would be less than significant. It should be noted that the City's "Transit First" policy places an emphasis on encouraging alternative modes of transportation.

It should also be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. In many cases the Planning Commission does not support the parking ratio proposed by the project sponsor and the ratio is substantially reduced. In some cases, particularly when the proposed project is in a transit rich area, the Planning Commission does not support the provision of any off-street parking spaces.

In summary, the proposed project would not result in a substantial parking deficit and would not create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. Therefore, parking impacts would be less than significant, and the proposed project would not result in significant impacts that were not identified and evaluated in the *FEIR*.

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[4] The project site is also located in the RH-2 zoning district where parking would be required for each residential unit. The project proposes two residential units in Building A, which would be constructed within the RH-2 zoning district.

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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?	☒	☐	☐	☒

Significant Impact Identified in FEIR

The *Balboa Park Station FEIR* identified significant noise impacts resulting from short-term or long-term noise levels that could prove disruptive to occupants of new residential development uses in proximity to noisy roadways such as Ocean Avenue, Geneva Avenue and I-280.

No Peculiar Impacts

The proposed project is not located near a public or private airport; therefore, topics 6e and f are not applicable. For a discussion of topics 6a, b, c, d, and g, please refer the CPE Certificate.

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FPEIR	Project Has Sig. Peculiar 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?	☐	☐	☐	☒

Significant Impact Identified in the FEIR

The *Balboa Park Station Initial Study* identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust while the *FEIR* identified potentially significant air quality impacts related to pollutant emissions; roadway-related air quality impacts on sensitive land uses; and the siting of uses that emit diesel particulate matter and toxic air contaminants as part of everyday operations.

No Peculiar Impacts

The proposed mixed-use project would not create objectionable odors affecting a substantial number of people. For a discussion of topics 7a, b, c, and d, please refer to the CPE Certificate.

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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 of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Background

The Bay Area Air Quality Management District (BAAQMD) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (Air Basin). BAAQMD is responsible for attaining and maintaining air quality in the Air Basin within federal and State air quality standards. Specifically, BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the Air Basin and to develop and implement strategies to attain the applicable Federal and State standards. The BAAQMD assists CEQA lead agencies in evaluating the air quality impacts of projects and plans proposed in the San Francisco Bay Area Air Basin.

Subsequent to the *Balboa Park Station Area Plan FEIR*, the BAAQMD prepared guidelines which provided new methodologies for analyzing air quality impacts, including greenhouse gas (GHG) emissions.

No Significant Impact Identified in the FEIR

The *Balboa Park Station FEIR* assessed the GHG emissions that could result from rezoning of the area under the three rezoning options. The *Balboa Park Station Area Plan* at full build-out is anticipated to result in GHG emissions on the order of 36,001 metric tons of CO_2E per year. The *FEIR* concluded that the resulting GHG emissions from implementing the *Area Plan* would be less than significant. The *Balboa Park Station FEIR* adequately addressed GHG emissions and the resulting emissions were determined to be less than significant. No mitigation measures were identified in the FEIR.

No Peculiar Impacts

The project sponsor proposes the construction of new two buildings on a vacant lot. The proposed project would contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. Construction of the proposed project is estimated at approximately nine months. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers and emissions associated with landfill operations.

As discussed above, the BAAQMD prepared new guidelines and methodologies for analyzing GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified GHG Reduction Strategy, as defined in the BAAQMD's studies. On August 12, 2010, the San Francisco Planning Department submitted a draft of San Francisco's Strategies to Address Greenhouse Gas Emissions to the BAAQMD.[5] This document presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified GHG Reduction Strategy in compliance with the BAAQMD's studies.

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

The BAAQMD reviewed San Francisco's Strategies to Address Greenhouse Gas Emissions and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's studies and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB (Assembly Bill) 32 goals, and also serve as a model from which other communities can learn."[6] San Francisco's collective policies and programs have resulted in a 14.5 percent reduction in GHG emissions compared to 1990 levels.[7]

Based on the BAAQMD's studies, projects that are consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions would result in a less-than-significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's Strategies to Address Greenhouse Gas Emissions, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce GHG emissions.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce GHG emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced GHG emissions levels; (3) San Francisco has met and exceeded AB 32 GHG reduction goals for the year 2020; (4) current and probable future state and local GHG reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's Strategies to Address Greenhouse Gas Emissions meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project was determined to be consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions.[8]

Therefore, the proposed project would not result in any peculiar impacts that were not identified in the *Balboa Park Station FEIR* related to GHG emissions.

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

[7] San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgrefe, San Francisco Planning Department. June 7, 2013.

[8] Greenhouse Gas Emission Checklist completed by Don Lewis, July 23, 2013. This document is available for review as part of Case file No. 2013.0083E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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?	☐	☐	☐	☒

No Significant Impact Identified in FEIR

The *Balboa Park Station FEIR* determined that no significant wind or shadow impact would occur from implementing the *Area Plan*. The Planning Department, in review of specific future projects, would continue to require wind and shadow analysis, where deemed necessary, to ensure that project-related impacts are mitigated to a less-than-significant level. No mitigation measures were identified in the *FEIR*.

No Peculiar Impacts

Based on consideration of the height and location of the proposed 45-foot-tall and 39-foot-tall buildings, Planning Department staff determined that the proposed project would not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site. Typically, buildings that are less than 80 feet tall do not result in substantial changes to ground-level wind. As a result, the proposed project would not have any significant wind impacts.

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Planning Code Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant.

As stated above, the *Balboa Park Station FEIR* did not identify a significant shadow impact on Section 295 open space at the program or project level. The *Balboa Park Station FEIR* introduced six new open spaces: the Geneva Transit Plaza; the Freeway Deck Plaza; Balboa Reservoir site open space; the Brighton Avenue right-of-way open space; the Library open space; and the Phelan Loop Plaza. The *FEIR* found shadow impacts as a result of development proposals under the *Area Plan* on newly created open spaces would be considered less than significant. The *FEIR* identified Improvement Measure SM-1 to minimize shadow impacts on publicly accessible open spaces that are not subject to Section 295.

> **Project Improvement Measure 1 - Shadow Analysis (Improvement Measure SM-1 of the Balboa Park Station FEIR):** New buildings and additions to existing buildings in

the Project Area where the building height exceeds 40 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the Planning Code. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the use or utility of the open space being shaded.

The proposed development includes the construction of a new 45-foot-tall building. To determine whether the proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff.[9] The shadow fan indicated that project shadows would not reach any properties under Recreation and Park Commission jurisdiction but could potentially shade the following new open spaces proposed under the *FEIR*: the Balboa Reservoir site open space; the Library open space; and the Brighton Avenue right-of-way open space.

To determine if the proposed project could shadow any of the proposed open spaces, the project sponsor provided a shadow analysis that showed that project shadow would not reach Balboa Reservoir open space or the Library open space.[10] The shadow analysis indicates that project shadow would only shade portions of the Brighton Avenue right-of-way open space during winter time. The proposed project's maximum shadow impact on the Brighton Avenue open space would be on December 21st when new shadow has the potential to be cast on the open space between 8:30 a.m. to 11:30 a.m. On this day, new shadow would reach an area of approximately 1/8 of the open space and would fall on its southwest corner.[11] Therefore, at its greatest extent at a single time, the new shadow would not cover a substantial area of the open space. Project shadow would not preclude the use of the open space as the amount of area shaded and the duration of the shadow would not be considered substantial. In addition, the importance of sunlight to the use or utility of this open space is not considered significant.

The proposed buildings would add new shade to portions of adjacent properties, sidewalks and streets. However, because the height of the proposed buildings would not be substantially taller than surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of the city, the loss of sunlight on private residences or property is rarely considered to be a significant environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

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9 Doug Vu, San Francisco Planning Department, dated March 1, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, San Francisco, as part of Case No. 2013.0083E.

10 Shadow Analysis on Proposed Open Spaces, 270 Brighton Avenue, Sia Consulting, July 29, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, San Francisco, as part of Case No. 2013.0083E.

11 The shadow analysis does not account for the new 55-foot-tall, mixed-use development at 1150 Ocean Avenue which is located on either side of the Brighton Avenue right-of-way open space. Therefore, the shadow analysis for the 270 Brighton Avenue project takes a conservation approach.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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 Impact Identified in the Initial Study

The *Balboa Park Station FEIR* concluded that the anticipated *Area Plan*-related population increase would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities. As a result, the *FEIR* found no significant impact to recreational resources.

No Peculiar Impacts

The proposed project would provide on-site open space for passive recreational use for project residents through approximately 4,000 square feet of common outdoor space.[12] The project location is served by Balboa Park (about four blocks away). In addition, the *Balboa Park Station FEIR* proposed the introduction of six new open spaces: the Geneva Transit Plaza; the Freeway Deck Plaza; the Balboa Reservoir site open space; the Brighton Avenue right-of-way open space; the Library open space; and the Phelan Loop Plaza. With the projected addition of 30 dwelling units, the proposed project would be expected to generate minimal additional demand for recreational facilities. This increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources nor require the construction or expansion of public recreation facilities.

[12] The project would provide approximately 2,000 square feet of common open space on roof deck at the 2nd floor and 2,000 square feet of common open space on the roof deck at roof level.

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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?	☐	☐	☐	☒
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 Impact Identified in the Initial Study

The *Balboa Park Station Initial Study* determined that the anticipated population increase would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified related to utilities and service systems in the FEIR.

No Peculiar Impacts

The proposed project would have sufficient water supply available from existing entitlement, and solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity. The project would not result in a significant solid waste generation impact, and utilities and service systems would not be adversely affected by the project. Therefore, the proposed project would not result in peculiar impacts to existing utilities and service systems that were not identified in the *FEIR*.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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?	☐	☐	☐	☒

No Significant Impact Identified in the Initial Study

The *Balboa Park Station Initial Study* determined that the anticipated increase in population would not result in a significant impact to public services, which includes fire protection, police protection, and public schools. No mitigation measures related to public services were identified.

No Peculiar Impacts

The project site is currently served by fire, police, schools, solid waste collection, recreational facilities, water, gas, electricity, and telecommunications. The proposed project would not require the addition or physically alter government facilities, and the existing government facilities will accommodate the proposed uses. The proposed project would not substantially increase demand for police or fire protection services and would not necessitate new school facilities or other public services in San Francisco. The proposed project would not result in a significant impact to public services, and therefore, the proposed project would not have peculiar impacts to public services.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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?	☐	☐	☐	☒

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

No Significant Impact Identified in the Initial Study

Balboa Park is primarily an urban environment void of contiguous natural open spaces that could support large populations of flora and fauna. There are no wetlands, riparian corridors or large natural areas that could support the migration of fish or wildlife species with the exception of trees that support avian species. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan exist in the Plan area. Therefore, the *Balboa Park Station FEIR* determined that implementing the *Area Plan* would have no significant impacts to biological resources

No Peculiar Impacts

The project site is a fenced vacant surface parking lot that is located in a developed urban area which does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species.

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. The DPW

Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and Street trees, collectively "protected trees" located on private and public property. A Landmark Tree has the highest level of protection and must meet certain criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the city's character and have been found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. A Significant tree is either on property under the jurisdiction of the DPW, or on privately owned land within 10 feet of the public-right-of-way, that is greater than 20 feet in height or which meets other criteria.

A Tree Disclosure Statement prepared for the project in September 30, 2013 noted that there are no significant or landmark trees at the project and there are two street trees along Ocean Avenue that border the project site.[13] The proposed project would retain the two existing street trees and would include the planting of ten additional street trees (seven along Brighton Avenue and three along Ocean Avenue). The removal of a protected tree would require issuance of a permit from the Director of Public Works, and may be subject to replacement or payment of an in-lieu fee in the form of a contribution to the City's Adopt-a-Tree Fund. Compliance with the requirements set forth in DPW Code Section 8.02-8.11 would ensure that potential impacts to trees protected under the City's Tree Preservation Ordinance would be less than significant. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

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. Thus, there would be no significant environmental impact peculiar to the project or its site.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar 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:				
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?	☐	☐	☐	☒

[13] The Tree Disclosure Statement is available for public review in Case No. 2013.0083E at 1650 Mission Street, 4th Floor, San Francisco.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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 Significant Impact Identified in the Initial Study

The *Balboa Park Station Initial Study* determined that implementing the *Area Plan* would not lead to significant impacts related to geology and soils, and therefore, no mitigation measures were identified in the *FEIR*.

No Peculiar Impacts

A preliminary geotechnical investigation has been performed for the proposed project.[14] Two test borings were drilled at the project site to the depths of 17 feet below grade. The borings encountered medium dense silty sand underlain by very dense silty and clayey silty sand. Ground water was encountered at 14 feet below the ground surface level (bgs). The maximum depth of soil disturbing activities for the proposed project would be up to approximately five feet bgs. It is anticipated that the building would be constructed on a continuous mat slab with shallow spread footings. The completed project would not alter the overall topography of the site.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special

[14] P. Whitehead and Associates, Geotechnical Report, 270 Brighton Avenue, San Francisco, California," December 19, 2012. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2013.0083E.

Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be mitigated during the permit review process through these measures. To ensure compliance with all Building Code provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The above-referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

The proposed project would not result in a significant effect related to geology, either individually or cumulatively. Thus, there would be no significant environmental impact peculiar to the project or its site.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar 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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

No Significant Impact Identified in FEIR

The *Balboa Park Station Initial Study* determined that implementing the *Area Plan* would not lead to significant impacts related to hydrology and water quality, and therefore no mitigation measures were identified in the *FEIR*.

No Peculiar Impacts

The project site is primarily covered by asphalt and both lots would be covered by the two proposed buildings. The proposed project would not substantially change the amount of impervious surface area on the site, and runoff and drainage would not be adversely affected. The project site is not located in a 100-year floodplain, and there is no threat of exposing and endangering people to tsunamis, seiches or mudflows. Therefore, the proposed project would have less than significant and no peculiar impacts to water quality and hydrology.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar 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?	☐	☐	☐	☒

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h)	Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒

No Significant Impact Identified in the Initial Study

The *Balboa Park Station Initial Study* determined that four mitigation measures would reduce potentially significant hazards and hazardous materials impacts to a less than significant level. Mitigation Measure HM-1 requires the project sponsor to prepare a Phase I Environmental Site Assessment for each parcel prior to demolition. Mitigation Measure HM-2 requires the appropriate disposal of hazardous building materials or equipment that contains as PCBs or DEHP. Mitigation Measure HM-3 would require the project sponsor to determine the presence of naturally-occurring asbestos in the soil or rock to be excavated and if identified apply dust control measures. Mitigation Measure HM-4 specifically applies to the development at the Kragen Auto Parts Site. The *Initial Study* found that *Area Plan* implementation would not interfere with emergency response plans or emergency evacuation plans and would not create potentially substantial fire hazards.

No Peculiar Impacts

The proposed project would not interfere with emergency response plans or emergency evacuation plans and would not create potentially substantial fire hazards. The project site is not located near an airport or private airstrip. The proposed project does not involve demolition of a building and therefore Mitigation Measure HM-2 is not required. Naturally occurring asbestos is not located near or beneath the project site and therefore Mitigation Measure 3 is not required. Mitigation Measure HM-4 is not applicable to the proposed project since it is specific to the

Kragen Auto Parts Site. Mitigation Measure HM-1 applies to the proposed project and further discussion is provided in the CPE Certificate.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
17. MINERAL AND ENERGY RESOURCES— Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☒

No Significant Impact Identified in the Initial Study

The *Balboa Park Station Area Plan* would encourage commercial and residential development that would not result in use of large amounts of fuel, water, or energy. Newly renovated and constructed buildings would meet current State and local standards regarding energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. The project area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. The *Area Plan* would not promote wasteful energy use or result in the loss of available local or regional mineral resources. Therefore, *Area Plan* implementation would have a less-than-significant impact on energy and natural resources and no mitigation measures were identified.

No Peculiar Impacts

The proposed project would use energy produced in regional power plants using hydropower and natural gas, oil, coal, and nuclear fuels. Substantial quantities of other non-renewable natural resources would not be required for the proposed project. Fuel or water would not be used in an atypical or wasteful manner by the proposed project. Therefore, the proposed project would not have a significant effect on the use, extraction, or depletion of a natural resource.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☐	☐	☐	☒

No Significant Impact Identified in the Initial Study

The *Balboa Park Station Initial Study* determined that there are no farmlands or forests in the Project Area, and therefore would not have significant impacts to agricultural and forests resources.

No Peculiar Impacts

The project site is primarily covered in asphalt and no agricultural or timber resources are located on the site. The proposed project would not have peculiar impacts that were not evaluated in the *Balboa Park Station Initial Study*.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
19. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Significant Impact Identified in FEIR.

The *Balboa Park Station FEIR* identified significant impacts related to transportation, cultural resources, noise, and air quality. Mitigation measures reduced all impacts to less than significant, with the exception of those related to cultural architectural resources (potential Ocean Avenue Neighborhood Commercial District), and transportation (traffic impacts at five intersections, freeway mainline impacts, bicycle-related traffic impacts at one intersection and transit impacts on one Muni line).

No Peculiar Impacts

The proposed mixed-use development involves the construction of two buildings that include 30 residential units, approximately 3,700 square feet of ground-floor retail use, and 14 off-street parking spaces. As discussed in this document, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already and disclosed in the *Balboa Park Station FEIR*.

C. DETERMINATION

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

☒ The proposed project 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 (PEIR) 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 PEIR 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 is required, analyzing the effects that remain to be addressed.

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

DATE October 29, 2013

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