



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Mitigated Negative Declaration

*Date:* November 8, 2017  
*Case No.:* **2014.1058E**  
*Project Title:* **6424 Third Street/1088 Key Avenue**  
*Zoning:* NC-3 (Neighborhood Commercial, Moderate Scale) Use District  
40-X Height and Bulk District  
*Block/Lot:* 5470/002  
*Lot Size:* 10,206 square feet  
*Project Sponsor:* Victor Quan, Antrea Investments and Trading, LLC  
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### PROJECT DESCRIPTION:

The project site is located at the northwest corner of Third Street and Key Avenue in the Bayview neighborhood. The project site is occupied by a vacant approximately 15-foot-tall, one-story, 3,600-square-foot, commercial building (constructed in 1976), formerly used as a mortuary (“Dan Scales Funeral Services”). The proposed project would involve the demolition of the existing building and the construction of a 40-foot-tall (50-foot-tall with elevator penthouse), four-story, mixed-use building approximately 28,660 square feet in size. The proposed building would consist of 17 residential units and 3,000 square feet of commercial use on the ground floor. The proposed project would include 17 off-street vehicle parking spaces at the ground floor accessed via Key Avenue. The proposed project would include 17 Class I bicycle parking spaces at the ground floor and four Class II bicycle spaces would be located on the sidewalk in front of the project site (two on Key Avenue and two on Third Street). The two approximately 21-foot-wide existing curb cuts on Key Avenue and the 12-foot-wide curb cut on Third Street would be removed and standard sidewalk and curb dimensions restored. A new 10-foot-wide curb cut would be created on Key Avenue. The proposed project would install a corner bulb-out in front of the project site. The proposed project would remove four trees from the project site and would plant four street trees along the project site’s Key Avenue frontage. The proposed project includes a 1,890-square-foot common open space at the second floor, and three of the proposed units would each include a private patio ranging from 110 to 200 square feet in size. During the approximately 12-month construction period, the proposed project would require up to four feet of excavation below ground surface for the proposed foundation work, resulting in approximately 100 cubic yards of soil disturbance. The proposed building would be supported on a conventional spread footing foundation with a mat slab.

### FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and

**Preliminary Mitigated Negative Declaration**  
November 8, 2017

**CASE NO. 2014.1058E**  
**6424 Third Street/1088 Key Avenue**

the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See Section F, Mitigation Measures.

cc: Victor Quan, Project Sponsor  
Esmeralda Jardines, Current Planning Division  
Supervisor Malia Cohen, District 10  
Master Decision File  
Southeast Quadrant Bulletin Board  
Distribution List

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# Initial Study

## 6424 Third Street/1088 Key Avenue

### Planning Department Case No. 2014.1058E

#### A. PROJECT DESCRIPTION

##### *Project Location*

The 10,206-square-foot project site (Assessor's Block 5470, Lot 2) is located at the northwest corner of Third Street and Key Avenue in the Bayview neighborhood (see Figure 1, Project Location). The project site is occupied by a vacant approximately 15-foot-tall, one-story, 3,600-square-foot commercial building (constructed in 1976), formerly used as a mortuary ("Dan Scales Funeral Services").<sup>1</sup> There are two 21-foot-wide curb cuts on Key Avenue and one 12-foot-wide curb cut on Third Street in front of the project site. Existing sidewalk widths on Third Street and Key Avenue in front of the project site are approximately 10 and 15 feet, respectively. The project site is in a NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District, a 40-X Height and Bulk District, and the Third Street Alcohol Restricted Special Use District (SUD).

##### *Project Characteristics*

The proposed project would involve the demolition of the existing building and the construction of a four-story, 40-foot-tall (50-foot-tall with elevator penthouse) mixed-use building approximately 28,660 square feet in size. The proposed building would consist of 17 residential units and 3,000 square feet of commercial use on the ground floor (see Figures 2 and 3, Proposed Site Plan and Proposed Ground Floor). The proposed project would include one-bedroom, two-bedroom, and three-bedroom units. The proposed project would include 17 off-street vehicle parking spaces at the ground floor accessed via Key Avenue. The proposed project would include 17 Class I bicycle parking spaces at the ground floor and four Class II bicycle spaces would be located on the sidewalk in front of the project site (two on Key Avenue and two on Third Street). The two existing curb cuts on Key Avenue and the one curb cut on Third Street would be removed and standard sidewalk and curb dimensions restored. A new 10-foot-wide curb cut would be created on Key Avenue. The project also proposes a corner bulb-out in front of the project site. The proposed project would remove four trees from the project site and would plant four street trees along the project site's Key Avenue frontage. The proposed project includes a 1,890-square-foot common open space at the second floor, and three of the proposed units would each include a private patio ranging from 110 to 200 square feet in size (see Figure 4, Proposed Second Floor). No roof deck is proposed. Project elevations are provided as Figures 5 and 6.

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<sup>1</sup> The building has been vacant since October 2015.

Figure 1: Project Location

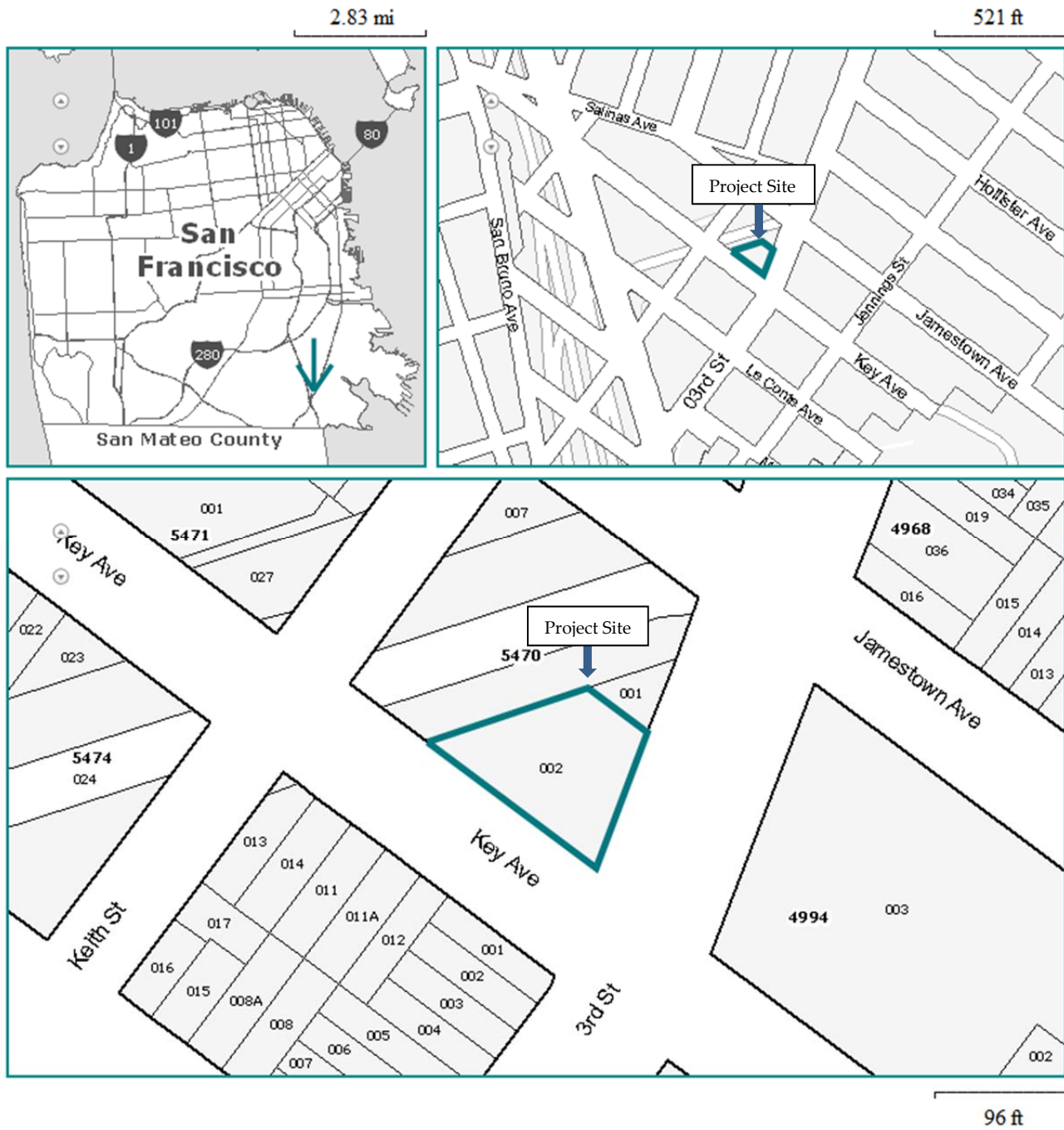
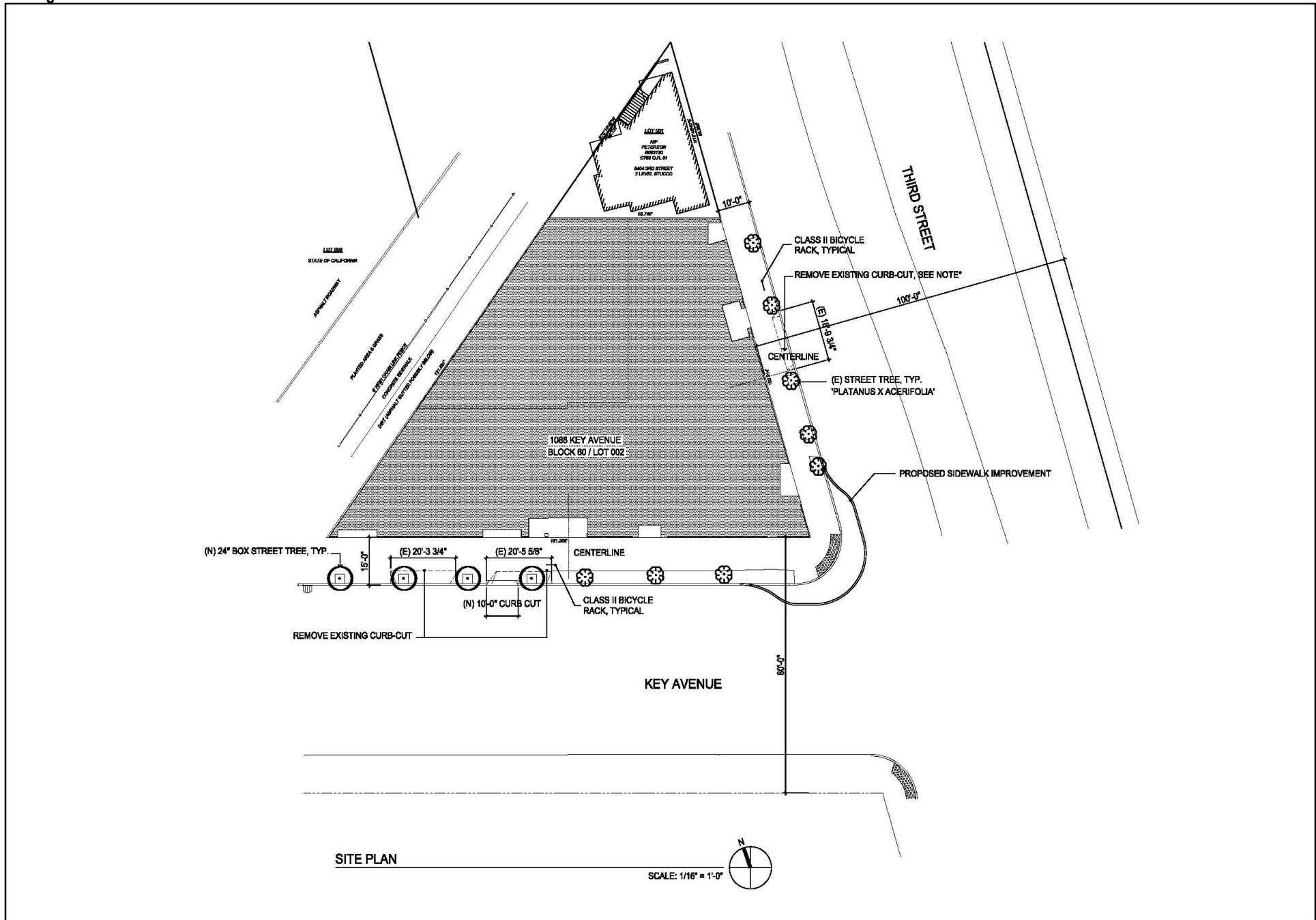
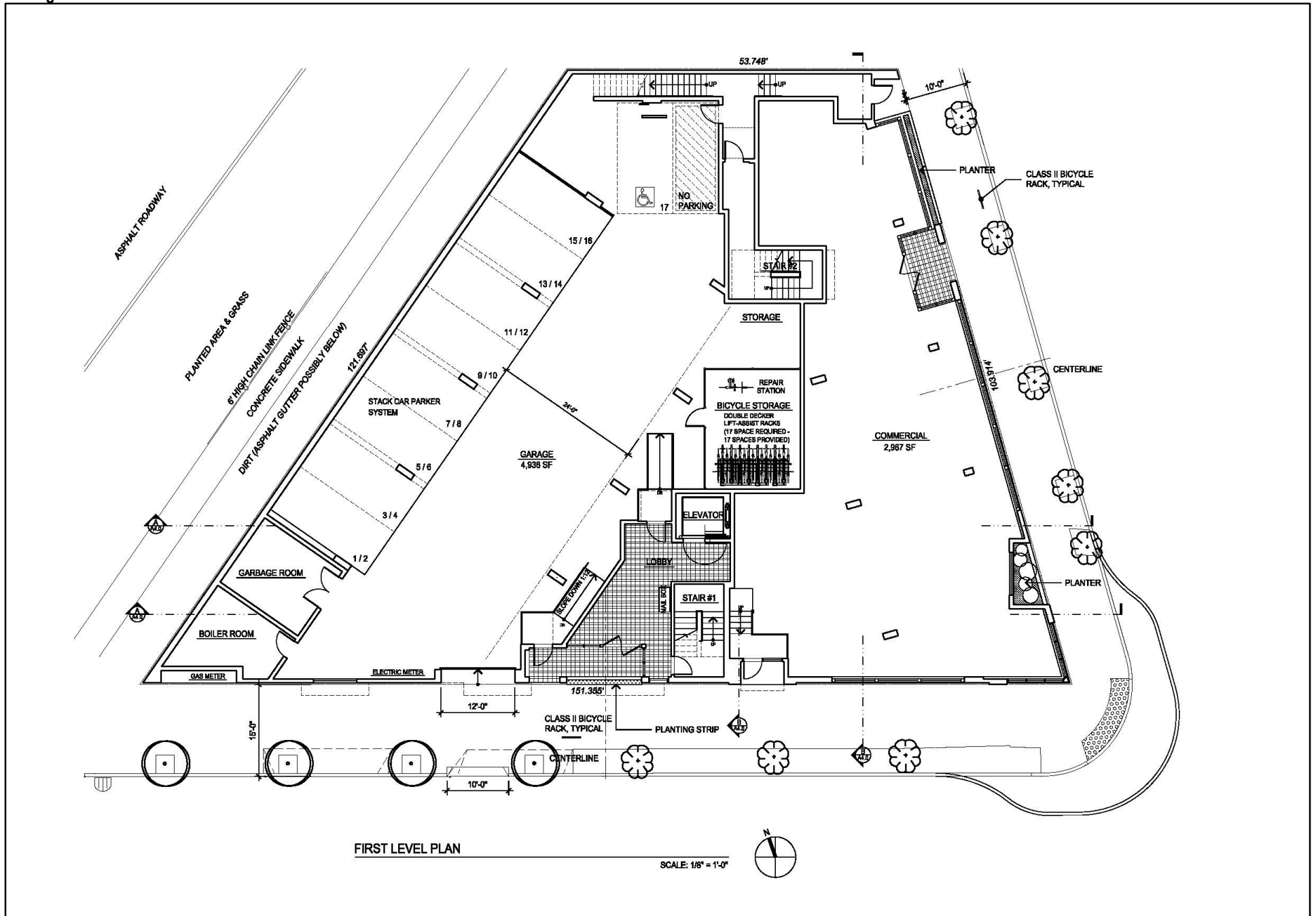


Figure 2. Site Plan



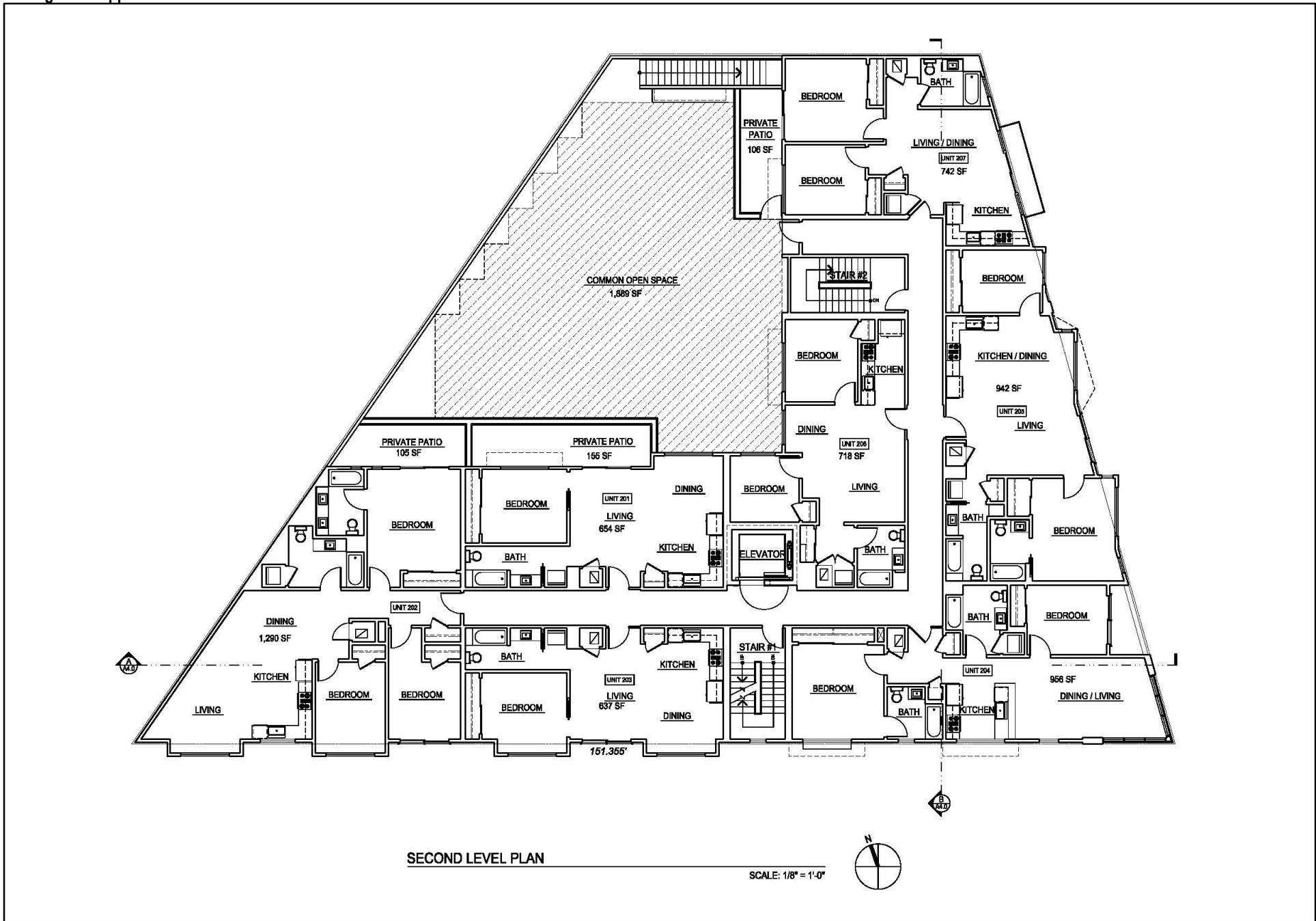
Comments: Not to Scale  
Source: Gary Gee Architects, June 2017

Figure 3. Ground Floor



Comments: Not to Scale  
 Source: Gary Gee Architects, June 2017

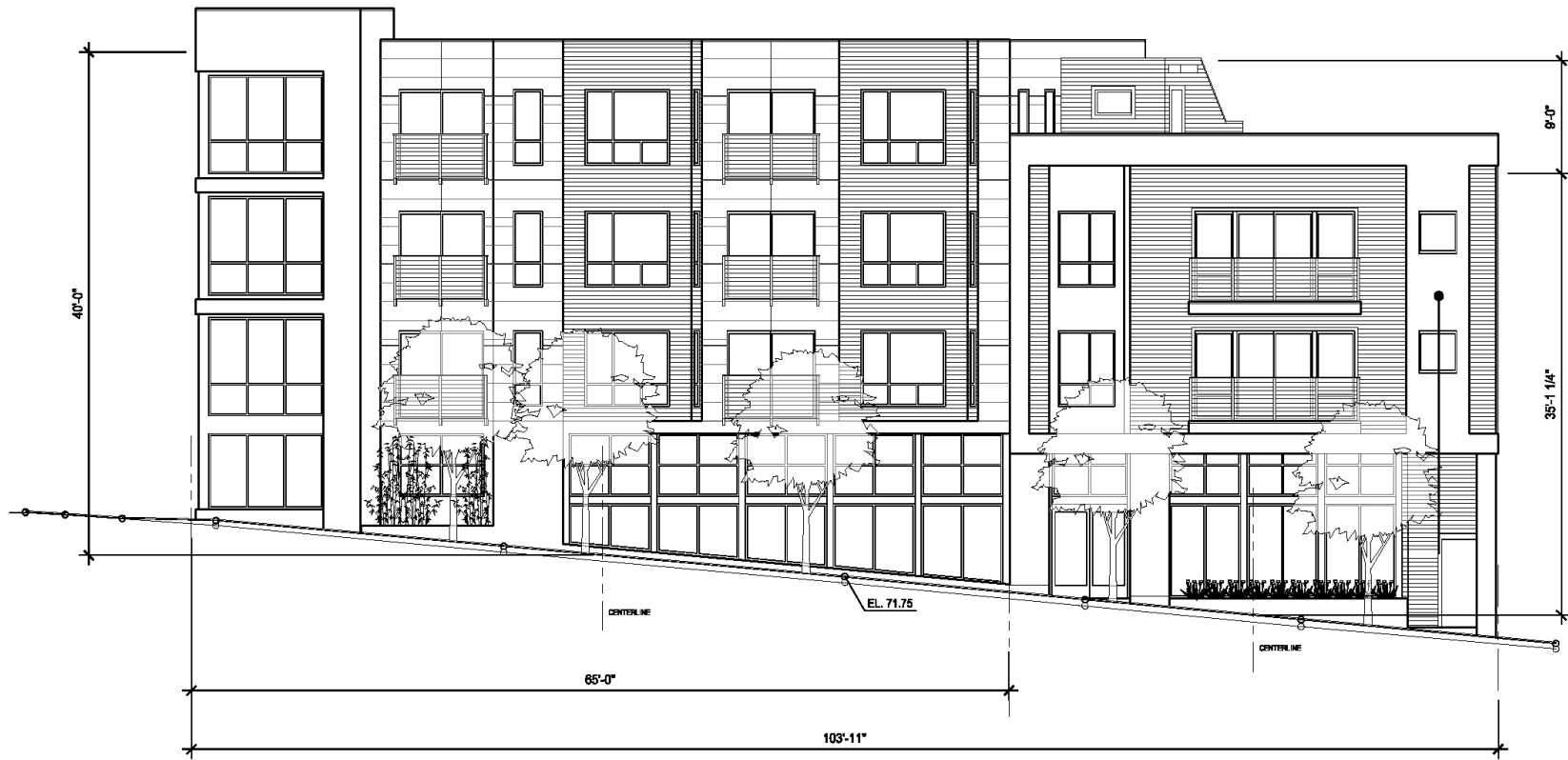
Figure 4. Upper Floor



Comments: Not to Scale  
Source: Gary Gee Architects, June 2017



Figure 5. East Elevation (Third Street)



**EAST ELEVATION** (THIRD STREET)

SCALE: 1/8" = 1'-0"

Comments: Not to Scale  
Source: Gary Gee Architects, June 2017

Figure 6. South Elevation (Key Avenue)



SOUTH ELEVATION (KEY AVENUE)

SCALE: 1/8" = 1'-0"

Comments: Not to Scale  
Source: Gary Gee Architects, June 2017

### *Project Construction*

During the approximately 12-month construction period, the proposed project would require up to four feet of excavation below ground surface for the proposed foundation work, resulting in approximately 100 cubic yards of soil disturbance. The proposed building would be supported on a conventional spread footing foundation with a mat slab. Impact piling driving is not proposed or required.

### *Project Approvals*

The proposed project would require the following approvals, approving bodies noted in parentheses:

- **Conditional Use Authorization** is required per Planning Code Section 121.1 for the new construction of a building on a lot greater than 10,000 square feet (*Planning Commission*)
- **Variances** are required from the Zoning Administrator to allow parking to be located within 25 feet of a street, for modification to rear yard requirements, and for open space and transparency (*Planning Department*)
- **Demolition Permit** (*Planning Department and Department of Building Inspection*)
- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)

The granting of the Conditional Use Authorization by the Planning Commission constitutes the Approval Action for the proposed project pursuant to Section 31.04(h)(3) of the San Francisco Administrative Code. The Approval Action date establishes the start of the 30-day appeal period for this California Environmental Quality Act (CEQA) determination pursuant to Section 31.16(d) of the San Francisco Administrative Code.

## **B. PROJECT SETTING**

The project site is located at the northwest corner of Third Street and Key Avenue in the Bayview neighborhood. The project site is occupied by a vacant one-story commercial building (constructed in 1976), formerly used as a mortuary (“Dan Scales Funeral Services”). The topography of the project site and surrounding area generally slopes downward to the north. Immediately north of the project site is a two-story office building that currently provides tutoring services. To the west of the project site is the Highway 101 South on-ramp. Across Key Avenue to the south of the project site are four two-story residential buildings and a two-story mixed-use building with ground-floor commercial space at the southwest corner of Key Avenue and Third Street. Across Third Street to the east of the project site, is the Saint Paul of the Shipwreck Roman Catholic Church and a two-story school (“KIPP Bayview Academy”).

One block south of the project site is the Le Conte Muni Station, which is located on Third Street at Le Conte Avenue. The project site is served by the following public transit lines: K-Ingleside/T-Third, T-Owl, 8-Bayshore, 8AX-Bayshore A Express, 8BX-Bayshore B Express, 9-San Bruno, 9R-San Bruno Rapid, 29-Sunset, and 90-San Bruno Owl). Third Street is a commercial throughway

with transit importance. There are bicycle routes located along Third Street, Paul Avenue, and Bayshore Boulevard. In front of the project site, Third Street contains one southbound lane and two northbound lanes, which are separated by two Muni light rail tracks in the median, and Key Avenue is a two-way street that terminates at the Highway 101 South on-ramp immediately adjacent to the project site.

The area surrounding the project site is composed of mixed uses including residential, commercial, office, church, and school land uses in buildings ranging in height from one to three stories (approximately 20 to 40 feet tall). All of the surrounding parcels are within the 40-X height and bulk district. Zoning districts in the vicinity of the project site include NC-3, Residential-House, One Family (RH-1), and Residential-Mixed, Low Density (RM-1).

**C. COMPATIBILITY WITH EXISTING ZONING AND PLANS**

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**San Francisco Planning Code and Zoning Maps**

The Planning Code, which incorporates by reference the City’s Zoning Maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless: (1) the proposed project complies with the Planning Code, (2) an allowable exception or variance is granted pursuant to the provisions of the Planning Code, or (3) legislative amendments to the Planning Code are included and adopted as part of the proposed project.

***Land Use***

The project site is located in a NC-3 Zoning District. Pursuant to Planning Code Section 712, the NC-3 Zoning District is intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes. NC-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels. A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Pursuant to Planning Code Table 712, the proposed residential and ground-floor retail uses are principally permitted in NC-3 Districts.

### ***Height and Bulk***

The project site is located in a 40-X Height and Bulk District, which permits a maximum building height of 40 feet. Bulk controls reduce the size of a building's floorplates as the building increases in height. Pursuant to Planning Code Section 270(a), there are no bulk controls in an "X" Bulk District. At a height of 40 feet, the proposed project complies with the 40-foot height limit.

### ***Floor Area Ratio***

Floor area ratio (FAR) is the ratio of gross floor area of the building to the area of the lot. Pursuant to Planning Code Sections 124(e) and 240.2(f), the basic FAR shall be 3.6 to 1 for any property in a NC-3 District. A total of 36,742 gross square feet can be developed on the 10,206-square-foot project site. With a total of 28,660 gross square feet, the proposed project complies with the basic FAR of the project site.

### ***Conditional Use Authorization***

Pursuant to Planning Code Section 121.1, new construction of a building on a lot greater than 10,000 square feet requires Conditional Use Authorization by the Planning Commission. Since the project site is 10,206 square feet in size, the proposed mixed-use development requires Conditional Use Authorization.

### ***Variances***

The proposed project would require the following variances from the Zoning Administrator: locating off-street parking within 25 feet of a street (Key Avenue); modification to rear yard requirements; and open space and transparency.

## **Plans and Policies**

### ***San Francisco General Plan***

The *San Francisco General Plan (General Plan)* establishes objectives and policies to guide land use decisions related to the physical development of San Francisco. It is comprised of ten elements, each of which addresses a particular topic that applies citywide: Air Quality; Arts; Commerce and Industry; Community Facilities; Community Safety; Environmental Protection; Housing; Recreation and Open Space; Transportation; and Urban Design. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project.

### ***Proposition M – The Accountable Planning Initiative***

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code and established eight Priority Policies. These policies, and the topics in Section E, Evaluation of Environmental Effects, that address the environmental issues associated with these policies, are: (1) preservation and

enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use and Land Use Planning); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, regarding housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 4a, 4b, 4f, and 4g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use and Land Use Planning); (6) maximization of earthquake preparedness (Questions 13a through 13d, Geology and Soils); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Questions 8a and 8b, Wind and Shadow, and Questions 9a and 9c, Recreation).

Prior to issuing a permit for any project that requires an Initial Study under CEQA, and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies.

As noted above, the compatibility of the proposed project with *General Plan* objectives and policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

#### ***Regional Plans and Policies***

The five principal regional planning agencies and their overarching policy-plans to guide planning in the nine-county bay area include the Association for Bay Area Governments' *Projections 2013* and *Plan Bay Area*, the Bay Area Air Quality Management District's (BAAQMD's) *Bay Area 2017 Clean Air Plan (2017 Clean Air Plan)*, the Metropolitan Transportation Commission's *Regional Transportation Plan – Transportation 2035*, the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*, and the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. Due to the size and nature of the proposed project, no anticipated conflicts with regional plans would occur.

#### ***Required Approvals by Other Agencies***

In addition to the required project approvals that are listed in Section A., Project Description, the following permits and approvals are required.

#### **San Francisco Public Works**

- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), approval of a street space permit from the Bureau of Street Use and Mapping is required.
- Approval of a permit to plant street trees adjacent to the project site.
- Approval of construction within the public right-of-way (e.g., curb cuts, bulb-outs and sidewalk extensions) to ensure consistency with the Better Streets Plan.

### San Francisco Municipal Transportation Agency

- Approval of the placement of bicycle racks on the sidewalk, and of other sidewalk improvements, by the Sustainable Streets Division.
- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), approval of a special traffic permit from the Sustainable Streets Division is required.
- Approval of construction within the public right-of-way (e.g., bulbouts and sidewalk extensions) to ensure consistency with the Better Streets Plan.

### San Francisco Public Utilities Commission

- Approval of an Erosion and Sediment Control Plan, in accordance with Article 4.1 of the *San Francisco Public Works Code*.
- Approval of post-construction stormwater design guidelines, including a stormwater control plan that complies with the City's 2016 Stormwater Management Requirements and Design Guidelines.

## D. SUMMARY OF ENVIRONMENTAL EFFECTS

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

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Land Use/Planning              | <input type="checkbox"/> Greenhouse Gas Emissions  | <input type="checkbox"/> Hydrology/Water Quality                       |
| <input type="checkbox"/> Aesthetics                     | <input type="checkbox"/> Wind and Shadow           | <input type="checkbox"/> Hazards & Hazardous Materials                 |
| <input type="checkbox"/> Population and Housing         | <input type="checkbox"/> Recreation                | <input type="checkbox"/> Mineral/Energy Resources                      |
| <input checked="" type="checkbox"/> Cultural Resources  | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Agriculture and Forestry Resources            |
| <input type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Public Services           | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Noise                          | <input type="checkbox"/> Biological Resources      |  |
| <input checked="" type="checkbox"/> Air Quality         | <input type="checkbox"/> Geology/Soils             |  |

This Initial Study examines the proposed project to identify potential effects on the environment. For each item on the Initial Study checklist, the evaluation has considered the impacts of the proposed project both individually and cumulatively. All items on the Initial Study Checklist that have been checked "Less than Significant Impact with Mitigation Incorporated," "Less than Significant Impact," "No Impact" or "Not Applicable" indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that issue. A discussion is included for those issues checked "Less than Significant Impact with Mitigation Incorporated" and "Less than Significant Impact" and for most items checked with "No Impact" or "Not Applicable." For items checked "No Impact" or "Not Applicable" without discussion, the conclusions regarding potential significant adverse

environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the *Transportation Impact Analysis Guidelines for Environmental Review* or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Wildlife. For each checklist item, the evaluation has considered the impacts of the proposed project both individually and cumulatively. The items checked above have been determined to be “Less than Significant with Mitigation Incorporated.”

## SENATE BILL 743

### ***Aesthetics and Parking***

In accordance with CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above criteria; therefore this Initial Study does not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.2 Project elevations are included in the project description (see Figure 5, Third Street Elevation, and Figure 6, Key Avenue Elevation).

### ***Automobile Delay and Vehicle Miles Traveled***

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*<sup>3</sup> recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead

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<sup>2</sup> San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 6424 Third Street*, September 12, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014.1058E.

<sup>3</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php). Accessed June 30, 2016.



of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.) A VMT and induced automobile travel impact analysis is provided in the Transportation section.

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>1. LAND USE AND PLANNING.—</b> <b>Would the project:</b>					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact LU-1: The proposed project would not physically divide an established community. (Less than Significant)**

The division of an established community typically involves the construction of a physical barrier to neighborhood access, such as a new freeway, or the removal of a means of access, such as a bridge or a roadway. Implementation of the proposed project would not result in the construction of a physical barrier to neighborhood access or the removal of an existing means of access; it would result in the construction of a new four-story, 40-foot-tall building within established lot boundaries. The proposed project would not alter the established street grid or permanently close any streets or sidewalks. Although portions of the sidewalk adjacent to the project site could be closed for periods of time during project construction, these closures would be temporary in nature. Therefore, the proposed project would not physically divide an established community and a less-than-significant impact would result.

**Impact LU-2: The proposed project would not 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. (Less than Significant)**

Land use impacts would be considered significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those, like BAAQMD's 2017 *Clean Air Plan*, which directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not substantially conflict with any applicable land use plan, policy, or

regulation such that an adverse physical change would result (see Section C, Compatibility with Existing Zoning and Plans). Furthermore, the proposed project would not conflict with the *San Francisco General Plan* policies that relate to physical environmental issues.

The proposed project would not conflict with any such adopted environmental plan or policy, including the *2017 Clean Air Plan*, the *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy), and the City's Urban Forestry Ordinance, as discussed in Section E.6, Air Quality, E.7, Greenhouse Gas Emissions, and Section E.12, Biological Resources. Therefore, the proposed project would have a less-than-significant impact with regard to conflicts with land use plans, policies, or regulations.

**Impact C-LU-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative land use impact. (Less than Significant)**

The cumulative context for land use effects are typically localized, within the immediate vicinity of the project site, or at the neighborhood level. Cumulative development in the project vicinity (within a quarter-mile radius of the project site) includes the following projects that are either under construction or for which the Planning Department has an Environmental Evaluation Application on file:

- 6635 Third Street (Case No. 2014-000037ENV) – the project involves the construction of a four-story, three-unit residential building on a vacant lot.
- 1123 Girard Street (Case No. 2015-000004ENV) – the project involves the construction of a single-family residence on a vacant portion of the lot.
- 1314 Fitzgerald Avenue (Case No. 2014.0954ENV) – the project involves the demolition of 7 Production, Distribution, and Repair (PDR) buildings and the construction of 2 new PDR buildings.
- 320-400 Paul Avenue (Case No. 2011.0408ENV) – the project involves the demolition of two vacant warehouse buildings at 350 and 400 Paul Avenue, the renovation of the existing 12,560-square-foot building at 320 Paul Avenue, and the construction of a two-story, 171,000-square-foot Internet services exchange (ISE) center.
- 200 Paul Avenue (Case No. 2012.0153E) – the project involves the expansion of the existing ISE use including the following: the demolition of a portion of the southernmost warehouse to provide area for 18 additional diesel backup generators and the expansion of the existing generator service yard to include 12 additional concrete pads for future diesel generators.

These nearby cumulative development projects would not physically divide an established community by constructing a physical barrier to neighborhood access or removing a means of access. Two of the above cumulative development projects, 320-400 Paul Avenue and 200 Paul

Avenue, were found to substantially conflict with regulations adopted for the purpose of avoiding or mitigating an environmental effect. The 320-400 Paul Avenue project's operation of diesel backup generators would result in significant emissions of oxides of nitrogen (NOx) and diesel particulate matter (DPM) that would result in a violation of air quality standards and result in emissions of DPM that would significantly affect sensitive populations. However, with implementation of the required mitigation measure, which would reduce NOx emissions and DPM emissions, the impact would be reduced to a less-than-significant level and would support the primary goals of the Clean Air Plan to reduce criteria air pollutants and emissions of other harmful air pollutants. The proposed project, which is approximately 1,100 feet from the 320-400 Paul Avenue project, does not include diesel backup generators. Therefore, the proposed project would not have the potential to contribute to localized air quality impacts, which are typically assessed within 1,000 feet of a project site. As discussed in Section E.6, Air Quality, the proposed project in combination with other cumulative projects would not result in significant air quality impacts and thus would not contribute to cumulative impacts associated with conflicts with plans adopted for the purpose of mitigating an environmental impact.

The 200 Paul Avenue project's operation of diesel backup generators would exceed the noise levels allowed by the San Francisco Noise Ordinance. However, with implementation of the required mitigation measure, which would reduce the noise at its property lines, the impact would be reduced to a less-than-significant level and would comply with the Noise Ordinance. The proposed project would not include noise stationary sources that would not comply with the Noise Ordinance. Additionally, the proposed project is approximately 1,100 feet from the 200 Paul Avenue project. As discussed in Section E.5, Noise, the proposed project in combination with other cumulative projects would not result in significant noise impacts and thus would not contribute to cumulative impacts associated with conflicts with plans adopted for the purpose of mitigating an environmental impact.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>2. POPULATION AND HOUSING.—</b>					
<b>Would the project:</b>					
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

The proposed project would include the demolition of a vacant commercial building and construction of an infill development consisting of 3,000 square feet of commercial space on the ground floor with 17 dwelling units above. The project would be located in an urbanized area and would not be expected to substantially alter existing development patterns in the Bayview neighborhood, or in San Francisco as a whole. Since the project site is located in an established urban neighborhood, it would not require, or create new demand for, the extension of municipal infrastructure.

According to the 2010 U.S. Census, the proposed project is located within Census Tract 233, which had a reported population of 2,624 residents. The 2010 U.S. Census reported a population of 805,235 residents in the City and County of San Francisco, and a population of approximately 31,312 residents within the Bayview neighborhood.<sup>4</sup> Based on the average household size in the City and County of San Francisco of 2.26 people per household, the addition of 17 new residential units, as the project proposes, would increase the citywide population by approximately 38 residents. This would represent a residential population increase of approximately 0.01 percent citywide, which is not considered to be substantial within the citywide context.

Based on the size of the proposed commercial space, the new business would employ a total of approximately 9 staff at the proposed building once it is completed.<sup>5</sup> This amount of retail is not anticipated to attract new employees to San Francisco. Therefore, it can be anticipated that most of the employees would live in San Francisco (or nearby communities), and that the project would thus not generate demand for new housing for the potential commercial employees. In light of the above, additional population and employees associated with the project would have a less-than-significant impact related to population growth, both directly and indirectly.

**Impact PH-2: The proposed project would not displace substantial numbers of existing housing units or people, necessitating the construction of replacement housing. (Less than Significant)**

The proposed project would not displace any residents or housing units, since no residential uses or housing units currently exist on the project site. In addition, the existing commercial building on the project site has been vacant since 2015. Therefore, the proposed project would have a less-than-significant impact related to the displacement of housing units or people and would not necessitate the construction of replacement housing.

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<sup>4</sup> The following Census Tracts are located in the Bayview neighborhood: 9809, 230.01, 230.03, 231.02, 231.03, 612, 233, 234, 610, and 9806.

<sup>5</sup> Based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, one employee is assumed per 350 square feet of retail space.

**Impact C-PH-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to population and housing. (Less than Significant)**

The cumulative context for population and housing effects are typically citywide. Over the last several years, the supply of housing has not met the demand for housing within San Francisco. In July 2013, the Association of Bay Area Governments (ABAG) projected regional housing needs in the *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. The jurisdictional need of San Francisco for 2014–2022 is 28,869 dwelling units consisting of 6,234 dwelling units within the very low income level (0–50 percent); 4,639 units within the low income level (51–80 percent); 5,460 units within the moderate income level (81–120 percent); and 12,536 units within the above moderate income level (120 percent plus).<sup>6</sup> These numbers are consistent with the development pattern in the region’s *Plan Bay Area: Sustainable Communities Strategy* (Plan Bay Area), a state-mandated, integrated long-range transportation, land use, and housing plan.<sup>7</sup> As part of the planning process for *Plan Bay Area*, San Francisco identified Priority Development Areas (PDA), which are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. The project site is located within the Bayview/Hunters Point Shipyard/Candlestick Point PDA. Therefore, although the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the area, it would not induce substantial population growth, as this population growth is anticipated occur irrespective of the proposed project. The project’s 17 units would serve to meet San Francisco’s anticipated housing needs.

For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable population and housing impact.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>3. CULTURAL RESOURCES.—Would the project:</b>					
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 <i>Planning Code</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>6</sup> ABAG, *Regional Housing Need Plan for the San Francisco Bay Area: 2014 – 2022*, July 2013. Online: [http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22\\_RHNA\\_Plan.pdf](http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf). Accessed on June 28, 2016.

<sup>7</sup> Metropolitan Transportation Commission and ABAG, *Plan Bay Area*, 2013. Online: <http://onebayarea.org/plan-bay-area/final-plan-bay-area.html>. Accessed on July 1, 2016.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact CR-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource. (Less than Significant)**

Historical resources are those properties that meet the definitions in Section 21084.1 of the CEQA statute and Section 15064.5 of the CEQA Guidelines. Historical resources include properties listed in, or formally determined eligible for listing in, the California Register of Historical Resources (California Register) or in an adopted local historic register. Historical resources also include resources identified as significant in a historical resource survey meeting certain criteria. Additionally, properties that are not listed but are otherwise determined to be historically significant, based on substantial evidence, would also be considered historical resources. The significance of a historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance.”

The proposed project includes the demolition of the existing building at 6424 Third Street. In evaluating whether the proposed project would cause a substantial adverse change in the significance of a historical resource, the Planning Department must first determine whether the existing building on the project site is a historical resource. A property may be considered a historical resource if it meets any of the California Register criteria related to (1) events, (2) persons, (3) architecture, or (4) information potential, that make it eligible for listing in the California Register, or if it is considered a contributor to a potential historic district.

The building at 6424 Third Street was constructed in 1972, and is not listed in a local, state, or national historical register, and is not a contributor to an existing or potential historic district. For the purpose of environmental review, the subject building is not considered a historical resource under CEQA. In addition, the proposed project is not immediately adjacent to a historical resource.

For these reasons, demolition of the existing building on the project site would not cause a substantial adverse change in the significance of a historical resource, and this impact would be less than significant.

**Impact CR-2: The proposed project may result in a substantial adverse change in the significance of an archeological resource. (Less than Significant with Mitigation)**

Determining the potential for encountering archeological resources includes relevant factors such as the location, depth, and amount of excavation proposed as well as any recorded information on known resources in the area. Construction of the proposed project would require excavation to a depth of 4 feet below ground surface and the removal of approximately 100 cubic yards of soil. The Planning Department conducted a preliminary archeological review and determined that the project site is located with an area of moderate prehistoric sensitivity as it is located directly west of the wetlands between Hunter's Point and Candlestick Point, which is one of the highest areas of prehistoric sensitivity in San Francisco. Prehistoric sites in this area are shell middens located approximately one-quarter mile from the project site but it is also highly probable that other types of prehistoric deposits are present in the area. While archeological resources may be present at the project site, due to the limited amount of proposed excavation there is a low but still possible potential for project activities to impact archeological resources.<sup>8</sup> Excavating, grading, and moving heavy construction vehicles and equipment could expose and damage unknown archeological resources, which would be a significant impact. This impact would be reduced to a less-than-significant level with implementation of **Mitigation Measure M-CR-2, Accidental Discovery of Archeological Resources**. This mitigation measure requires that archeological resources be avoided and, if accidentally discovered, that they be treated appropriately.

**Mitigation Measure M-CR-2: Accidental Discovery of Archeological Resources**

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c), tribal cultural resources as defined in CEQA Statute Section 21074, and human remains. The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

A preconstruction training shall be provided to all construction personnel performing or managing soils disturbing activities by a qualified archaeologist prior to the start of soils disturbing activities on the project. The training may be provided in person or using a video and include a handout prepared by the qualified archaeologist. The video and materials will be reviewed and approved by the ERO. The purpose of the training is to enable personnel to

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<sup>8</sup> Allison Vanderslice, San Francisco Planning Department. Archeological Review Log.

identify archaeological resources that may be encountered and to instruct them on what to do if a potential discovery occurs. Images of expected archeological resource types and archeological testing and data recovery methods should be included in the training.

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 an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. 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. The ERO may also determine that the archeological resources is a tribal cultural resource and will consultant with affiliated Native Americans tribal representatives, if warranted.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; an archeological testing program; and an interpretative program. If an archeological monitoring program, archeological testing program, or interpretative program is required, it shall be consistent with the Environmental Planning (EP) 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.

If human remains and associated or unassociated funerary objects are discovered during any soils disturbing activity, all applicable State and Federal Laws shall be followed, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an



MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

The project archeological consultant shall prepare a Final Archeological Resources Report (FARR) 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 Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

**Impact CR-3: The project may disturb human remains, including those interred outside of formal cemeteries. (Less than Significant with Mitigation)**

In the unlikely event that human remains are encountered during construction, any inadvertent damage to human remains would be considered a significant impact. Accordingly, in order to reduce this potential impact to a less-than-significant level, the project sponsor has agreed to comply with **Mitigation Measure M-CR-2, Accidental Discovery of Archeological Resources**, which includes the required procedures for the treatment of human remains. With implementation of **Mitigation Measure M-CR-2, Accidental Discovery of Archeological Resources**, as described above, the proposed project would have a less-than-significant impact on previously unknown human remains.

**Impact CR-4: The proposed project may cause a substantial adverse change in the significance of a tribal cultural resource. (Less than Significant with Mitigation)**

Tribal cultural resources are those resources that meet the definitions in Public Resources Code Section 21074. Tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also

either (a) included or determined to be eligible for inclusion in the California Register of Historical Resources or (b) included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Based on discussions with Native American tribal representatives, in San Francisco, prehistoric archeological resources are presumed to be potential tribal cultural resources. A tribal cultural resource is adversely affected when a project impacts its significance.

Pursuant to Assembly Bill 52, effective July 1, 2015, within 14 days of a determination that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency is required to contact the Native American tribes that are culturally or traditionally affiliated with the geographic area in which the project is located. Notified tribes have 30 days to request consultation with the lead agency to discuss potential impacts on tribal cultural resources and measures for addressing those impacts.

On May 25, 2016, the Planning Department mailed a “Tribal Notification Regarding Tribal Cultural Resources and CEQA” to the appropriate Native American tribal representatives who have requested notification. During the 30-day comment period, no Native American tribal representatives contacted the Planning Department to request consultation.

As noted under Impact CR-2, the proposed project would result in a significant impact to archeological resources. In the event that prehistoric archeological resources are damaged, the proposed project would have a significant impact on tribal cultural resources. With implementation of **Mitigation Measure M-CR-2, Accidental Discovery of Archeological Resources**, as described above, the proposed project would have a less than significant effect on tribal cultural resource. For these reasons, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, and this impact would be less than significant.

**Impact C-CR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in cumulative impacts on cultural resources. (Less than Significant)**

As discussed above, the proposed project would have no effect on historic architectural resources and would thus not have the potential to contribute to any cumulative effects on such resources. Cumulative impacts on archeological resources and human remains are site-specific and generally limited to the immediate construction area. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact on archeological resources, tribal cultural resources, and human remains.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>4. TRANSPORTATION AND CIRCULATION— Would the project:</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, or in the vicinity of a private airstrip, and would not interfere with air traffic patterns. Therefore, topic 4c is not applicable.

### PROJECT SETTING

The project site is located at the northwest corner of Third Street and Key Avenue in the Bayview neighborhood. The project site is a vacant one-story commercial building, formerly used as a mortuary (“Dan Scales Funeral Services”). Immediately north of the project site is a two-story office building that currently provides tutoring services. To the west of the project site is a Highway 101 South on-ramp. One block south of the project site is the Le Conte Muni Station, which is located on Third Street at Le Conte Avenue. The project site is served by the following public transit lines: K-Ingleside/T-Third, T-Owl, 8-Bayshore, 8AX-Bayshore A Express, 8BX-Bayshore B Express, 9-San Bruno, 9R-San Bruno Rapid, 29-Sunset, and 90-San Bruno Owl. There are bicycle routes along Third Street, Paul Avenue and Bayshore Boulevard. Third Street is

considered a commercial throughway with transit importance. In front of the project site, Third Street contains one southbound lane and two northbound lanes, which are separated by two Muni light rail tracks in the median, and Key Avenue is a two-way street that terminates at the Highway 101 South on-ramp immediately adjacent to the project site. The existing sidewalk widths on Third Street and Key Avenue in front of the project site are 10 and 15 feet, respectively. There are two 21-foot-wide curb cuts located on Key Avenue and one 12-foot-wide curb cut on Third Street. Pedestrian curb ramps and crosswalks are provided to cross the signalized intersections near the project site.

### *Vehicle Miles Traveled in San Francisco and Bay Area*

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower vehicle miles traveled (VMT) ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones. Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from a project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because

a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.<sup>9,10</sup>

For residential development, the existing regional average daily VMT per capita is 17.2.<sup>11</sup> For retail development, existing regional average daily work-related VMT per employee is 14.9.

San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, using the same methodology as outlined above for existing conditions, but includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040. For residential development, the projected 2040 regional average daily VMT per capita is 16.1. For retail development, regional average daily retail VMT per employee is 14.6. See Table 1, Daily Vehicle Miles Traveled, which includes existing and cumulative VMT for the region and for the transportation analysis zone (TAZ) in which the project site is located, 905.

TABLE 1: DAILY VEHICLE MILES TRAVELED

<u>Land Use</u>	<u>Existing</u>			<u>Cumulative 2040</u>		
	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 905</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 905</u>
Households (Residential)	17.2	14.6	11.5	16.1	13.7	9.5
Employment (Retail)	14.9	12.6	10.6	14.6	12.4	10.3

## VEHICLE MILES TRAVELED IMPACT ANALYSIS METHODOLOGY

### *Vehicle Miles Traveled Analysis*

Land use projects may cause substantial additional VMT. The following identifies thresholds of significance and screening criteria used to determine if a land use project would result in significant impacts under the VMT metric.

<sup>9</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>10</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016

<sup>11</sup> Includes the VMT generated by the households in the development.

### *Residential and Retail Projects*

For residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent.<sup>12</sup> As documented in the California State Office of Planning and Research (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (“Proposed Transportation Impact Guidelines”), a 15 percent threshold below existing development is “both reasonably ambitious and generally achievable.”<sup>13</sup> For retail projects, the Planning Department uses a VMT efficiency metric approach: a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent. This approach is consistent with CEQA Section 21099 and the thresholds of significance for other land uses recommended in OPR’s Proposed Transportation Impact Guidelines. For mixed-use projects, each proposed land use is evaluated independently, per the significance criteria described above.

OPR’s Proposed Transportation Impact Guidelines provides screening criteria to identify types, characteristics, or locations of land use projects that would not exceed these VMT thresholds of significance. OPR recommends that if a project or land use proposed as part of the project meet any of the screening criteria, then VMT impacts are presumed to be less than significant for that land use and a detailed VMT analysis is not required. The screening criteria applicable to the project and how they are applied in San Francisco are described below:

- **Map-Based Screening for Residential and Retail Projects.** OPR recommends mapping areas that exhibit where VMT is less than the applicable threshold for that land use. Accordingly, the Transportation Authority has developed maps depicting existing VMT levels in San Francisco for residential and retail land uses based on the SF-CHAMP 2012 base-year model run. The Planning Department uses these maps and associated data to determine whether a proposed project is located in an area of the City that is below the VMT threshold.
- **Proximity to Transit Stations.** OPR recommends that residential, retail, and office projects, as well projects that are a mix of these uses, proposed within ½ mile of an existing major transit stop (as defined by CEQA Section 21064.3) or an existing stop along a high quality transit corridor (as defined by CEQA 21155) would not result in a substantial increase in VMT. However, this presumption would not apply if the project would: have a floor area ratio of less than 0.75; (2) include more parking for use by residents, customers, or employees of the project than required or allowed, without a

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<sup>12</sup> OPR’s proposed transportation impact guidelines states a project would cause substantial additional VMT if it exceeds both the existing City household VMT per capita minus 15 percent and existing regional household VMT per capita minus 15 percent. In San Francisco, the City’s average VMT per capita is lower (8.4) than the regional average (17.2). Therefore, the City average is irrelevant for the purposes of the analysis.

<sup>13</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php), page III: 20.

conditional use; or (3) is inconsistent with the applicable Sustainable Communities Strategy.<sup>14</sup>

### *Induced Automobile Travel Analysis*

Transportation projects may substantially induce additional automobile travel. The following identifies thresholds of significance and screening criteria used to determine if transportation projects would result significant impacts by inducing substantial additional automobile travel.

Pursuant to OPR's Proposed Transportation Impact Guidelines, a transportation project would substantially induce automobile travel if it would generate more than 2,075,220 VMT per year. This threshold is based on the fair share VMT allocated to transportation projects required to achieve California's long-term greenhouse gas emissions reduction goal of 40 percent below 1990 levels by 2030.

OPR's Proposed Transportation Impact Guidelines includes a list of transportation project types that would not likely lead to a substantial or measureable increase in VMT. If a project fits within the general types of projects (including combinations of types) described in the Transportation Impact Guidelines, then it is presumed that VMT impacts would be less than significant and a detailed VMT analysis is not required. The following types of transportation projects included in the Transportation Impact Guidelines are applicable to the proposed project's modifications to sidewalks and curb cuts and proposed bicycle parking:

- Active Transportation, Rightsizing (aka Road Diet), and Transit Projects:
  - Infrastructure projects, including safety and accessibility improvements, for people walking or bicycling
  - Installation or reconfiguration of traffic calming devices
- Other Minor Transportation Projects:
  - Removal of off- or on-street parking spaces

### **TRAVEL DEMAND**

Localized trip generation of the proposed project was calculated using a trip-based analysis and information in the 2002 *Transportation Impact Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>15</sup> The proposed project would generate an estimated 615 person trips (inbound and outbound) on a weekday daily basis, consisting of 398 person trips by auto (252 vehicle trips accounting for vehicle occupancy data for this Census Tract), 102 transit trips, 105 walk trips and 10 trips by other modes, which includes bicycle, taxi, and motorcycle trips. During the p.m. peak hour, the proposed project would

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<sup>14</sup> A project is considered to be inconsistent with the Sustainable Communities Strategy if development is located outside of areas contemplated for development in the Sustainable Communities Strategy.

<sup>15</sup> San Francisco Planning Department, *Transportation Calculations for 6424 Third Street*, June 29, 2016.

generate an estimated 69 person trips, consisting of 45 person trips by auto (31 vehicle trips accounting for vehicle occupancy data), 13 transit trips, 10 walk trips and 1 trip by other modes.

**Impact TR-1: The proposed project would not cause substantial additional VMT or substantially induce automobile travel. (Less than Significant)**

*Vehicle Miles Traveled Analysis*

As shown in Table 1, the existing average daily residential VMT per capita is 11.5 for TAZ 905, which is 33 percent below the existing regional average daily residential VMT per capita of 17.2. The existing average daily employment (retail) VMT per capita is 10.6 for TAZ 905, which is 29 percent below the existing regional average daily retail VMT per capita of 14.9. Given that the project site is located in an area where existing residential and retail VMT is more than 15 percent below the existing regional average, the proposed project would meet the Map-Based Screening for retail and residential projects criterion. Additionally, the project site also meets the Proximity to Transit Stations screening criterion.<sup>16</sup> Therefore, the project's residential and retail uses would not result in substantial VMT and impacts would be less than significant.

*Induced Automobile Travel Analysis*

A project would have a significant effect on the environment if it would substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network. OPR's Proposed Transportation Impact Guidelines includes a list of transportation project types that would not likely lead to a substantial or measureable increase in VMT. If a project fits within the general types of projects (including combinations of types), then it is presumed that VMT impacts would be less than significant and a detailed VMT analysis is not required.

The proposed project is not a transportation project. However, the proposed project would include features that would alter the transportation network. The two 21-foot-wide curb cuts on Key Avenue and the 12-foot-wide curb cut on Third Street would be removed and standard sidewalk and curb dimensions restored. A new 10-foot-wide curb cut would be created on Key Avenue. The project also proposes a bulb-out at the northwest corner of Third Street and Key Avenue. Additionally, the proposed project would include four Class II bicycle spaces on the sidewalk in front of the project site (two on Key Avenue and two on Third Street). These features fit within the general types of projects that would not substantially induce automobile travel.<sup>17</sup> Thus, the proposed project would not result in a significant impact with respect to induced automobile travel.

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<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*



**Impact TR-2: The proposed project would not substantially increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Less than Significant)**

No project design features are proposed that would substantially increase traffic-related hazards (e.g., a new sharp curve or dangerous intersections), and the proposed project does not include incompatible uses, as discussed under Topic E.1, Land Use and Land Use Planning. Additionally, the project proposes a corner bulb-out in front of the project site at Third Street and Key Avenue, which is a feature which may increase pedestrian safety by reducing the effective crosswalk width and increasing pedestrian visibility. Therefore, traffic hazard impacts due to a design feature or resulting from incompatible uses from the proposed project would be less than significant.

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

Emergency vehicle access is currently provided along the two streets that front the project site (Third Street and Key Avenue). The project site could also be accessed via the Highway 101 South on-ramp. Emergency access would remain unchanged from existing conditions. The proposed driveway on Key Avenue would have a negligible effect on emergency vehicle access. The proposed project would not close off any existing streets or entrances to public uses. Therefore, the proposed project would have a less-than-significant impact on emergency access.

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

*Transit Facilities*

The project site is well served by public transit. Within one-quarter mile of the project site, Muni operates the following local transit lines: KT (K-Ingleside/T-Third), T-Owl, 8-Bayshore, 8AX-Bayshore A Express, 8BX-Bayshore B Express, 9-San Bruno, 9R-San Bruno Rapid, 29-Sunset, and 90-San Bruno Owl. The proposed project would generate 102 daily transit trips, including 13 during the p.m. peak hour. These transit trips would be distributed among the multiple transit lines serving the project vicinity. Given the availability of nearby transit, the addition of 13 p.m. peak-hour transit trips would be accommodated by existing capacity. For these reasons, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result. Thus, the proposed project's impact on transit service would be less than significant.

### *Bicycle Facilities*

The project vicinity is served by existing bicycle routes located along Third Street, Paul Avenue, and Bayshore Boulevard. It is anticipated that some of the daily person trips to and from the project site would be made by bicycle. The proposed project would include 17 Class I bicycle parking spaces at the ground floor and four Class II bicycle spaces would be located on the sidewalk in front of the project site. Implementation of the proposed project would not alter the existing street grid or result in other physical changes that would affect the bicycle route along Third Street in front of the project site. The proposed project would generate 252 daily and 31 p.m. peak-hour vehicle trips, but these vehicle trips would be distributed among all of the streets in the project vicinity. The 252 daily and 31 p.m. peak hour vehicle trips would not substantially conflict with cyclists in the vicinity of the project site. Since the proposed driveway would be located on Key Avenue there would not be any anticipated conflicts with drivers entering the garage and cyclists along the Third Street bicycle route or any other nearby bicycle route. While the project would increase the amount of vehicle traffic along Third Street and other streets in the vicinity of the project site, the expected magnitude of this increase would not be substantial enough to result in conflicts with cyclists or affect overall bicycle circulation or the operations of bicycle facilities, and therefore, impacts would be less than significant.

### *Pedestrian Facilities*

Trips generated by the proposed project would include walk trips to and from the proposed residential and retail uses, plus walk trips to and from transit stops. The proposed project would generate 207 daily pedestrian trips to and from the project site, including 23 pedestrian trips during the weekday p.m. peak hour (includes 13 transit trips and 10 walk trips). As discussed above, sidewalk widths on Third Street and Key Avenue in front of the project site would remain at 10 and 15 feet, respectively. The sidewalks in the project vicinity, which were observed to be underutilized<sup>18</sup>, would be able to accommodate the additional pedestrian trips generated by the proposed project without becoming substantially overcrowded or substantially affecting pedestrian flows. The proposed project would also include several streetscape improvements to pedestrian facilities, including eliminating and consolidating existing curb cuts, installing new street trees along the project site, and providing a corner bulb-out at the northwest intersection of Third Street and Key Avenue in front of the project site. The increased pedestrian activity generated by the project, in combination with the proposed streetscape improvements, would be expected to enhance the overall pedestrian conditions in the area. Additionally, project-generated vehicle traffic would not be expected to result in significant impacts on pedestrian conditions. Therefore, pedestrian impacts from the proposed project would be less than significant.

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<sup>18</sup> Field observation on June 30, 2016 at 4:00 p.m.

### *Construction Activities*

Construction of the proposed project would take approximately 12 months. Construction staging would occur primarily on Key Avenue and may also occur on Third Street. During the construction period, there would be a flow of construction-related trucks to and from the project site, which could result in a temporary reduction in the capacities of local streets. Construction activities would generate construction worker trips to and from the project site and a temporary demand for parking and public transit. The temporary demand for public transit would not exceed the capacity of local or regional transit service. Any temporary traffic lane closures would be coordinated with the city in order to minimize the impacts on local traffic. In general, lane and sidewalk closures are subject to review and approval by San Francisco Public Works (Public Works) and the City's Transportation Advisory Staff Committee (TASC) that consists of representatives of City departments including SFMTA, Public Works, Fire, Police, Public Health, Port and the Taxi Commission.

Due to the temporary nature of the construction activities, the construction-related impacts on transportation and circulation would be less than significant. Although no construction impacts would occur, Improvement Measure I-TR-3, which has been agreed to by the project sponsor, has been identified to further minimize construction-related traffic effects.

#### **Improvement Measure I-TR-3: Non-Peak Construction Traffic Hours**

To minimize the construction-related disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods, truck movements and deliveries requiring lane closures could be limited to occur between 9:00 a.m. to 3:30 p.m., outside of peak morning and evening hours.

**Impact C-TR-1: The proposed project, in combination of past, present, and reasonably foreseeable future projects, would not result in a considerable contribution to cumulative regional VMT. (Less than Significant)**

VMT by its very nature is largely a cumulative impact. The amount and distance past, present, and future projects might cause people to drive contribute to the physical secondary environmental impacts associated with VMT. It is likely that no single project by itself would be sufficient in size to prevent the region or state in meeting its VMT reduction goals. Instead, a project's individual VMT contributes to cumulative VMT impacts. The VMT and induced automobile travel project-level thresholds are based on levels at which new projects are not anticipated to conflict with state and regional long-term greenhouse gas emission reduction targets and statewide VMT per capita reduction targets set in 2020. Therefore, because the proposed project would not exceed the project-level thresholds for VMT and induced automobile travel (Impact TR-1), the proposed project would not be considered to result in a cumulatively considerable contribution to VMT impacts.

Furthermore, as shown in Table 1, projected 2040 average daily residential VMT per capita is 9.5, and projected average daily retail VMT per capita is 10.3 for TAZ 905. This is approximately 41 and 29 percent below the projected 2040 regional average daily VMT per capita of 16.1 and 14.6 for residential and retail uses, respectively.

**Impact C-TR-2: The proposed project, in combination of past, present, and reasonably foreseeable future projects, would not have a cumulative impact on transportation. (Less than Significant)**

Construction of the proposed project could overlap with construction of nearby cumulative development projects. However, the following cumulative projects are too far away from the project site to result in cumulative transportation impacts: 200 Paul Avenue is located approximately 1,100 feet from the project site; 320-400 Paul Avenue is located approximately 1,100 feet from the project site; 1314 Fitzgerald Avenue is located approximately 1,350 feet from the project site; and 1123 Girard Street is located approximately 900 feet from the project site and on the west (opposite) side of Highway 101. While the 6635 Third Street project is located approximately 460 feet from the project site, there would be no cumulative construction transportation impacts expected because the 6635 Third Street project site is relatively small in size (2,567 square feet) and only three residential units are proposed. The combined construction-related traffic would be temporary and localized, and would not result in permanent impacts related to transportation and circulation. It is anticipated that the addition of the worker-related vehicle- or transit-trips would not substantially affect transportation conditions. Therefore, the proposed project would have less-than-significant cumulative construction impacts.

Cumulative projects would add an additional total of approximately 21 transit trips during the p.m. peak hour (with the 320-400 Paul Avenue project contributing to 18 of these trips). Similar to the proposed project, which would add approximately 13 transit trips during the p.m. peak hour, the total 34 cumulative transit trips would have a negligible impact on the peak hour capacity utilization of the Muni bus and light rail lines operating in the vicinity of the proposed project. Therefore, the proposed project in combination with reasonable foreseeable cumulative projects would have less-than-significant cumulative transit impacts.

The cumulative projects would increase automobile traffic in the area, which would result in an increase in the potential for automobile-bicycle and automobile-pedestrian conflicts at intersections and driveways in the project vicinity. While there would be a general increase in vehicle, bicycle, and pedestrian traffic that is expected, the proposed project would not create potentially hazardous conditions for bicycles or pedestrians, or otherwise interfere with bicycle or pedestrian accessibility to the project site and adjoining areas. Therefore, the proposed project, in combination with past, present and reasonably foreseeable development in the project vicinity, would have a less-than-significant impact on bicycle and pedestrian conditions.

For these reasons, the proposed project in combination with past, present, or reasonably foreseeable future projects in the project vicinity would result in less than significant cumulative transportation impacts.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>5. NOISE -- Would the project result in:</b>					
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topics 5e and 5f are not applicable to the proposed project.

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

The project site is located in an urbanized area with ambient noise levels typical of those in San Francisco neighborhoods. The existing traffic noise levels on Third Street and the Highway 101 South on-ramp are above 70 dBA (Ldn) while traffic along Key Avenue is between 65 to 70 dBA

(Ldn).<sup>19,20,21</sup> Additionally, the project site is located approximately 30 feet west of the Muni Metro light rail that runs along Third Street.

Ambient noise levels in the project vicinity are typical of noise levels found in San Francisco, which are dominated by vehicular traffic, including cars, Muni buses, and emergency vehicles. Both Third Street and the Highway 101 South on-ramp along the project's eastern and western façades, respectively, are fairly heavily traveled streets that generate moderate to high levels of traffic noise. While land uses in the project site vicinity do not generate a substantial amount of noise, high traffic volumes along the surrounding roads result in a relatively loud noise environment.

The proposed project would include residential uses that would place sensitive receptors in a noisy environment. The nearest existing sensitive receptors are the residences located across Key Avenue from the project site (approximately 60 feet to the south) and there is a school located across Third Street from the project site (approximately 100 feet to the east). Additionally, the building immediately adjacent to the north of the project site provides tutoring services.

The Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise.<sup>22</sup> These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. These guidelines present a range of noise levels that are considered compatible or incompatible with various land uses, the maximum "satisfactory, with no special noise insulation" exterior noise level is 60 dBA (Ldn) for residential and hotel uses, 65 dBA (Ldn) for school classrooms, libraries, churches and hospitals, 70 dBA (Ldn) for playgrounds, parks, office buildings, retail commercial uses and noise-sensitive manufacturing/communications uses, and 77 dBA (Ldn) for other commercial uses such as wholesale, some retail, industrial/manufacturing, transportation, communications, and utilities.

The proposed project would include residential and retail uses, which are common uses in the neighborhood. The operation of these uses would not generate groundborne vibration. The project would not generate noise that could result in a substantial permanent, temporary or periodic increase in ambient noise levels. Vehicular traffic makes the greatest contribution to

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<sup>19</sup> San Francisco General Plan. *Environmental Protection Element, Map 1, Background Noise Levels – 2009*. Available online at: [http://generalplan.sfplanning.org/images/16.environmental/ENV\\_Map1\\_Background\\_Noise%20Levels.pdf](http://generalplan.sfplanning.org/images/16.environmental/ENV_Map1_Background_Noise%20Levels.pdf). Accessed on August 22, 2016

<sup>20</sup> The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

<sup>21</sup> The DNL or Ldn is the Leq, or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period with a 10 dB penalty applied to noise levels between 10:00 p.m. to 7:00 a.m. Leq is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

<sup>22</sup> Environmental Protection Element, Policy 11.1.

ambient noise levels throughout most of San Francisco. Generally, traffic must double in volume to produce a noticeable 3 dBA increase in the ambient noise level in the project vicinity.<sup>23</sup> The proposed project would generate approximately 210 daily vehicle trips, with 27 of those trips occurring in the p.m. peak hour. This increase in vehicle trips would not cause traffic volumes to double on nearby streets, and project generated traffic noise would not have a noticeable effect on ambient noise levels in the project site vicinity.

In addition to vehicle-related noise, building equipment and ventilation are also noise sources. Specifically, mechanical equipment produces operational noise, such as noise from heating and ventilation systems. Mechanical equipment would be subject to Section 2909 of the Noise Ordinance. Section 2909 prohibits fixed mechanical equipment noise and music in excess of 5 dBA more than ambient noise from residential land uses 8 dBA more than ambient noise from commercial land uses. Section 2909(d) establishes maximum noise levels for fixed noise sources (e.g., mechanical equipment) of 55 dBA (7:00 a.m. to 10:00 p.m.) and 45 dBA (10:00 p.m. to 7:00 a.m.) inside any sleeping or living room in any dwelling unit located on residential property to prevent sleep disturbance. The proposed project's mechanical and HVAC systems would be required to meet these noise standards.

Given that the proposed project's vehicle trips would not cause a doubling of traffic volumes on nearby streets and that proposed mechanical equipment would be required to comply with the Noise Ordinance, operational noise from the proposed project would not result in a noticeable increase in ambient noise levels. Therefore, the proposed project would not result in exposure of existing noise sensitive uses (other residential uses, schools, etc.) to noise levels in excess of established standards.

In the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015,<sup>24</sup> the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the project would significantly exacerbate an existing environmental condition. Accordingly, the significance criteria above related to exposure of persons to noise levels in excess of standards in the *General Plan* or Noise Ordinance, exposure of persons to excessive groundborne vibration or groundborne noise levels, and people being substantially affected by existing noise levels are relevant only to the extent that a project significantly exacerbates the existing noise environment. As discussed above, the proposed project would not significantly exacerbate existing noise conditions; however, the following is provided for informational purposes.

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<sup>23</sup> United States Department of Transportation, Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance*, December 2011, p. 9. Available online at [http://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguidance.pdf](http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf), accessed June 24, 2016.

<sup>24</sup> *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal.4th 369. Opinion Filed December 17, 2015. Case No. S213478. Available at: <http://www.courts.ca.gov/33098.htm>. Accessed August 22, 2016.

The proposed project's residential uses would be subject to the noise insulation requirements in both the California Building Code and the San Francisco Building Code. The 2013 California Building Code (Title 24, Part 2 of the California Code of Regulations [CCR]) requires that interior noise levels from outside sources not exceed 45 dBA (Ldn or CNEL) in any habitable room (rooms for sleeping, living, cooking, and eating, but excluding bathrooms, closets, and the like) or a residential unit, except for residential additions to structures constructed before 1974 (Building Code Section 1207.4). The Building Code (Section 1207.2) also mandates that walls and floor/ceiling assemblies separating dwelling units from each other or from public or service areas have a Sound Transmission Class (STC) of at least 50, meaning they can reduce noise by a minimum of 50 decibels (dB).

The San Francisco Building Code was amended in 2015 to incorporate language included in Section 1207.4 (interior noise standards) of the State Building Code. San Francisco's current Section 1207.6.2 accordingly reads the same as Section 1207.4 of the State Building Code. The San Francisco Building Code also includes a requirement that residential structures in "noise critical areas, such as in proximity to highways, county roads, city streets, railroads, rapid transit lines, airports, nighttime entertainment venues, or industrial areas," be designed to exceed the Code's quantitative noise reduction requirements, and specifies, "Proper design to accomplish this goal shall include, but not be limited to, orientation of the residential structure, setbacks, shielding, and sound insulation of the building" (Section 1207.6.1). Section 1207.7 requires submittal of an acoustical report along with a project's building permit application to demonstrate compliance with the Building Code's interior noise standards.

While the proposed project would include residential uses that would place sensitive receptors in the vicinity of a noisy environment, compliance with Title 24 standards and the San Francisco Building Code would ensure that appropriate insulation is included in the project to meet the 45 dBA interior noise standard in the San Francisco Building Code. Furthermore, the existing intermittent groundbourne vibration created from the nearby Third Street light rail would not expose people to excessive groundborne vibration and the proposed project does not include features or uses that would significantly exacerbate the existing noise environment.

**Impact NO-2: The proposed project would not result in construction activities that could expose persons to temporary increases in noise or vibration levels substantially in excess of ambient levels. (Less than Significant)**

Demolition, excavation, and building construction would cause a temporary increase in noise levels within the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the project sponsor, the construction period would last approximately 12 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and affected receptor, and the presence (or absence) of barriers. Impacts would generally be limited to demolition and the periods during which new



foundations and exterior structural and facade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls. However, there would be times when noise could interfere with indoor activities in nearby residences and businesses.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, hoe rams, impact wrenches) must have manufacturer-recommended and City-approved mufflers for both intake and exhaust. Section 2908 of the Noise Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of the Department of Public Works or the Director of Building Inspection. The project would be required to comply with regulations set forth in the Noise Ordinance.

The nearest sensitive receptors to construction activities would be the residences located approximately 60 feet south of the project site across Key Avenue. In addition, there is a school located approximately 100 feet east of the project site across Third Street and immediately adjacent to the north of the project site is a building that provides tutoring services. These uses would experience temporary and intermittent noise associated with site clearance and construction activities as well as the passage of construction trucks in and out of the project site. Site excavation would involve removal of approximately 100 cubic yards of soil. The proposed building would be supported by a shallow building foundation that would include a mat slab with spread footings. Piles would not be necessary, so there would be no noise or vibration impacts associated with pile driving during construction. The below table provides typical noise levels produced by various types of construction equipment that could be used for construction.

Older buildings, particularly masonry buildings, can be damaged by excessive vibration associated with construction activities. Construction of the proposed project would not generate excessive vibration that could damage the immediately adjacent building to the south.<sup>25</sup> In addition, DBI is responsible for reviewing the building permit application to ensure that proposed construction activities, including shoring and underpinning, comply with all applicable procedures and requirements and would not materially impair adjacent or nearby buildings.

Average noise levels at the nearest noise-sensitive uses would vary by construction phase, and would depend on the type of equipment used, the duration of the construction phase, and the proximity of construction activity to the noise-sensitive receptors. Moreover, the project

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<sup>25</sup> The 6404 Third Street building was constructed in 1963 and is not a masonry building.

**Table 2: Typical Noise Levels from Construction Equipment**

<b>Construction Equipment</b>	<b>Noise Level (dBA, Leq at 50 feet)</b>	<b>Noise Level (dBA, Leq at 100 feet)</b>
Jackhammer (Pavement Breaker) <sup>1</sup>	<b>88</b>	<b>82</b>
Loader	79	73
Dozer	82	76
Excavator	81	75
Grader	85	79
Dump Truck	76	70
Flatbed Truck	74	68
Concrete Truck	81	75
Forklift (gas-powered)	83	77
Generator	81	75
Compressor	78	72
San Francisco Noise Ordinance Limit	86	80

Notes: The above Leq noise levels are calculated assuming a 100 percent usage factor at full load (i.e., Lmax noise level 100 percent) for the 1-hour measurement period. Noise levels in **bold** exceed the above ordinance limit, but as indicated, two of the three exceedances are exempt from this limit.

<sup>1</sup> Exempt from the ordinance noise limit of 86 dBA at 50 feet or 80 dBA at 100 feet.

demolition and construction activities would be required to comply with the Noise Ordinance requirements, which prohibit construction after 8:00 p.m. Although construction noise could rise to the level of an annoyance at times, it would not be expected to exceed noise levels commonly experienced in this urban environment, and therefore, would not be considered significant. Although no significant construction noise impacts would occur, **Improvement Measure I-NO-2**, which has been agreed to by the project sponsor, has been identified to minimize construction-related noise effects further.

**Improvement Measure I-NO-2: Construction Noise**

The project sponsor could develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures could be submitted to the DBI to ensure that maximum feasible noise attenuation will be achieved. Noise attenuation measures could include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site.
- Utilize noise control blankets on the building as the building is erected to reduce noise emission from the site.

- Monitor the effectiveness of noise attenuation measures by taking noise measurements.
- Post signs on-site with information regarding permitted construction days and hours, complaint procedures, and the name(s) and telephone number(s) of the individual(s) to be contacted in the event of a problem.

**Impact C-NO-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in less-than-significant cumulative impacts related to noise and vibration. (Less than Significant)**

Project construction-related noise would not substantially increase ambient noise levels at locations greater than a few hundred feet from the project site, and there is only one project identified (6635 Third Street) that is close enough (within 470 feet) to result in any cumulative construction noise impact. Furthermore, the 6635 Third Street project is separated from the proposed project by multiple buildings and would be unlikely to noticeably combine with project construction noise, even if the two were constructed simultaneously. As such, construction noise effects associated with the proposed project are not anticipated to combine with those associated with other proposed and ongoing projects located near the project site. Therefore, cumulative construction-related noise impacts would be less than significant.

The proposed project, along with the other cumulative projects in the vicinity, would not result in a doubling of traffic volumes along nearby streets. The proposed project would add approximately 31 vehicle trips during the p.m. peak hour. In total, the cumulative projects would add approximately 113 vehicle trips during the p.m. peak hour (with the 320-400 Paul Avenue project contributing to 91 of these vehicles trips). The cumulative vehicles trips would be distributed along the local roadways and would not all be on Third Street or Key Avenue. In combination with reasonably foreseeable cumulative projects, the project would not result in significant cumulative traffic noise impacts. Moreover, the proposed project's mechanical equipment and mechanical equipment from reasonably foreseeable cumulative projects would be required to comply with the Noise Ordinance.

In light of the above, the proposed project in combination with reasonably foreseeable projects would result in less-than-significant cumulative impacts related to noise.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>6. AIR QUALITY.—Would the project:</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Setting

### *Overview*

The Bay Area Air Quality Management District (air district) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (air basin), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa counties and portions of Sonoma and Solano counties. The air district is responsible for attaining and maintaining federal and state air quality standards in the air basin, as established by the federal Clean Air Act and the California Clean Air Act, respectively. Specifically, the air district 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 federal and state clean air acts require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the 2017 Clean Air Plan, was adopted by the air district on April 19, 2017. The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, in accordance with the requirements of the state Clean Air Act to implement all feasible measures to reduce ozone; provide a control strategy to reduce particulate matter, air toxics, and greenhouse gases in a single, integrated plan; and establish emission control measures to be adopted or implemented. The 2017 Clean Air Plan contains the following primary goals:

- Protect air quality and health at the regional and local scale: Attain all state and national air quality standards, and eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and

- Protect the climate: Reduce Bay Area greenhouse gas emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

The 2017 Clean Air Plan is the most current applicable air quality plan for the air basin. Consistency with this plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of an air quality plan.

### *Criteria Air Pollutants*

In accordance with the state and federal clean air acts, air pollutant standards are identified for the following six *criteria air pollutants*: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the air basin experiences low concentrations of most pollutants when compared to federal or state standards. The air basin is designated as either in attainment<sup>26</sup> or unclassified for most criteria air pollutants with the exception of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.<sup>27</sup>

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 3 identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the air basin.

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<sup>26</sup> "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status for a specified criteria air pollutant.

<sup>27</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, May 2017, page 2-1.

**Table 3: Criteria Air Pollutant Significance Thresholds**<sup>28</sup>

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

**Ozone Precursors.** As discussed previously, the air basin is currently designated as non-attainment for ozone and particulate matter. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal clean air acts emissions limits for stationary sources. To ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, air district regulation 2, rule 2 requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors ROG and NO<sub>x</sub>, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).<sup>29</sup> These levels represent emissions below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO<sub>x</sub> emissions as a result of increases in vehicle trips, architectural coating, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects and those projects that result in emissions below these thresholds would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and NO<sub>x</sub> emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

<sup>28</sup> *Ibid.* Page 2-2.

<sup>29</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 17.

**Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>).**<sup>30</sup> The air district has not established an offset limit for PM<sub>2.5</sub>. However, the emissions limit in the federal New Source Review for stationary sources in nonattainment areas is an appropriate significance threshold. For PM<sub>10</sub> and PM<sub>2.5</sub>, the emissions limit under New Source Review is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels below which a source is not expected to have an impact on air quality.<sup>31</sup> Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

**Fugitive Dust.** Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices at construction sites significantly control fugitive dust<sup>32</sup> and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.<sup>33</sup> The air district has identified a number of best management practices to control fugitive dust emissions from construction activities.<sup>34</sup> The City's Construction Dust Control Ordinance (ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust and the best management practices employed in compliance with the ordinance are an effective strategy for controlling construction-related fugitive dust.

**Other Criteria Pollutants.** Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years and SO<sub>2</sub> concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO<sub>2</sub> emissions represent a negligible portion of the total basin-wide emissions and construction-related CO emissions represent less than five percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and SO<sub>2</sub>. Furthermore, the air district has demonstrated, based on modeling, that to exceed the California ambient air quality standard of 9.0 ppm (parts per million) (8-hour average) or 20.0 ppm (1-hour average) for CO, project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal

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<sup>30</sup> PM<sub>10</sub> is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM<sub>2.5</sub>, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

<sup>31</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 16.

<sup>32</sup> Western Regional Air Partnership. 2006. *WRAP Fugitive Dust Handbook*. September 7, 2006. This document is available online at [http://www.wrapair.org/forums/dejff/fdh/content/FDHandbook\\_Rev\\_06.pdf](http://www.wrapair.org/forums/dejff/fdh/content/FDHandbook_Rev_06.pdf), accessed February 16, 2012.

<sup>33</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2017, page D-47.

<sup>34</sup> *Ibid.*

mixing is limited). Therefore, given the Bay Area's attainment status and the limited CO and SO<sub>2</sub> emissions that could result from development projects, development projects would not result in a cumulatively considerable net increase in CO or SO<sub>2</sub> emissions, and quantitative analysis is not required.

### ***Local Health Risks and Hazards***

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

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the air district using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A *health risk assessment* is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.<sup>35</sup>

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that for other land uses. Therefore, these groups are referred to as sensitive receptors. Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, seven days a week, for 30 years.<sup>36</sup> Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Exposures to fine particulate matter (PM<sub>2.5</sub>) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.<sup>37</sup> In addition to PM<sub>2.5</sub>, diesel particulate matter (DPM) is also of

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<sup>35</sup> In general, a health risk assessment is required if the air district concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant is then subject to a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

<sup>36</sup> California Office of Environmental Health Hazard Assessment, *Air Toxics Hot Spot Program Risk Assessment Guidelines*, February, 2015. Pg. 4-44, 8-6

<sup>37</sup> SFDPH, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 2008.



concern. The California Air Resources Board (California air board) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.<sup>38</sup> The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to conduct a citywide health risk assessment based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the “Air Pollutant Exposure Zone” (APEZ) were identified based on health-protective criteria that consider estimated cancer risk, exposure to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations. The project site is located within an APEZ. Each of the APEZ criteria is discussed below.

**Excess Cancer Risk.** The Air Pollution Exposure Zone includes areas where modeled cancer risk exceeds 100 incidents per million persons exposed. This criterion is based on United States Environmental Protection Agency (EPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.<sup>39</sup> As described by the air district, the EPA considers a cancer risk of 100 per million to be within the “acceptable” range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants rulemaking,<sup>40</sup> the EPA states that it “...strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible to an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years.” The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on air district regional modeling.<sup>41</sup>

**Fine Particulate Matter.** EPA staff’s 2011 review of the federal PM<sub>2.5</sub> standard concluded that the then current federal annual PM<sub>2.5</sub> standard of 15 µg/m<sup>3</sup> (micrograms per cubic meter) should be revised to a level within the range of 13 to 11 µg/m<sup>3</sup>, with evidence strongly supporting a standard within the range of 12 to 11 µg/m<sup>3</sup>.<sup>42</sup> The Air Pollutant Exposure Zone for San Francisco

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<sup>38</sup> California Air Resources Board (ARB), Fact Sheet, “The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines,” October 1998.

<sup>39</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

<sup>40</sup> 54 Federal Register 38044, September 14, 1989.

<sup>41</sup> BAAQMD, *Clean Air Plan*, May 2017, page D-43.

<sup>42</sup> U.S. EPA, *Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards*. “Particulate Matter Policy Assessment.” April 2011. Available online at: <https://www3.epa.gov/ttn/naaqs/standards/pm/data/20110419pmpafinal.pdf>.

is based on the health protective PM<sub>2.5</sub> standard of 11 µg/m<sup>3</sup>, as supported by the EPA's assessment, although lowered to 10 µg/m<sup>3</sup> to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

**Proximity to Freeways.** According to the California air board, studies have shown an association between the proximity of sensitive land uses to freeways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Siting sensitive uses in close proximity to freeways increases both exposure to air pollution and the potential for adverse health effects. As evidence shows that sensitive uses in an area within a 500-foot buffer of any freeway are at an increased health risk from air pollution,<sup>43</sup> parcels that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

**Health Vulnerable Locations.** Based on the air district's evaluation of health vulnerability in the Bay Area, those zip codes (94102, 94103, 94105, 94124, and 94130) in the worst quintile of Bay Area health vulnerability scores as a result of air pollution-related causes were afforded additional protection by lowering the standards for identifying parcels in the Air Pollutant Exposure Zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) PM<sub>2.5</sub> concentrations in excess of 9 µg/m<sup>3</sup>.<sup>44</sup>

The above citywide health risk modeling was also used as the basis in approving amendments to the San Francisco Building and Health codes, referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, article 38 (ordinance 224-14, effective December 8, 2014) (article 38). The purpose of article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. In addition, projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would add a substantial amount of emissions to areas already adversely affected by poor air quality.

### *Construction Air Quality Impacts*

Project-related air quality impacts fall into two categories: short-term impacts from construction and long-term impacts from project operation. The following addresses construction-related air quality impacts resulting from the proposed project.

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<sup>43</sup> California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005. Available online at: <http://www.arb.ca.gov/ch/landuse.htm>.

<sup>44</sup> San Francisco Planning Department and San Francisco Department of Public Health, *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9, 2014. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14; Amendment to Health Code Article 38.

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

Construction activities (short-term) typically result in emissions of ozone precursors and PM in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and PM are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROGs are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. The proposed project consists of the demolition of the existing on-site building and the construction of a four-story building containing 17 dwelling units and approximately 3,000 square feet of commercial space. During the project's approximately 12-month construction period, construction activities would have the potential to result in emissions of ozone precursors and PM, as discussed below.

*Fugitive Dust*

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the California ARB, reducing PM<sub>2.5</sub> concentrations to state and federal standards of 12 µg/m<sup>3</sup> in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.<sup>45</sup>

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds particulate matter to the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil.

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective August 29, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and avoid orders to stop work by DBI.

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<sup>45</sup> ARB, *Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California*, Staff Report, Table 4c, October 24, 2008.

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

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated material, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 mil (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques. San Francisco ordinance 175-91 restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission. Non-potable water must be used for soil compaction and dust control activities during project construction and demolition. The San Francisco Public Utilities Commission operates a recycled water truck-fill station at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge.

Compliance with the regulations and procedures set forth by the Dust Control Ordinance would ensure that potential dust-related air quality impacts would be reduced to a *less-than-significant* level.

### *Criteria Air Pollutants*

As discussed above, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. To assist lead agencies in determining whether short-term construction-related air pollutant emissions require further analysis as to whether the project may exceed the criteria air pollutant significance thresholds shown in Table 3, above, the air district, in its CEQA Air Quality Guidelines (May 2017), developed screening criteria. If a proposed project meets the screening criteria, then construction of the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The CEQA Air Quality Guidelines note that the

screening levels are generally representative of new development on greenfield<sup>46</sup> sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

The proposed project consists of the demolition of an existing building and the construction of a four-story building containing 17 dwelling units and approximately 3,000 gsf of commercial space. The proposed project is below the construction screening criteria for the “apartment, low-rise, 240 dwelling units” and the “regional shopping center, 277,000 square feet” land use types identified in the BAAQMD’s *CEQA Air Quality Guidelines*. Thus, quantification of construction-related criteria air pollutant emissions is not required, and the proposed project’s construction activities would result in a less-than-significant criteria air pollutant impact.

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

As discussed above, the project site is located within an APEZ. Existing sensitive land uses in the project vicinity include residential uses to the south and there is a school to the east of the project site.

With regards to construction emissions, off-road equipment (which includes construction-related equipment) is a large contributor to diesel particulate matter emissions in California, although since 2007, the California air board has found the emissions to be substantially lower than previously expected.<sup>47</sup>

Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of diesel particulate matter emissions in California.<sup>48</sup> For example, revised PM emission estimates for the year 2010, which diesel particulate matter is a major component of total PM, have decreased by 83 percent from previous 2010 emissions estimates for the air

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<sup>46</sup> A greenfield site refers to agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

<sup>47</sup> ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, p.1 and p. 13 (Figure 4), October 2010.

<sup>48</sup> ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

basin.<sup>49</sup> Approximately half of the reduction in emissions can be attributed to the economic recession and half to updated methodologies used to better assess construction emissions.<sup>50</sup>

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the EPA and California air board have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines were phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers are required to produce new engines with advanced emission-control technologies. Although the full benefits of these regulations will not be realized for several years, the EPA estimates that by implementing the federal Tier 4 standards, NO<sub>x</sub> and PM emissions will be reduced by more than 90 percent.<sup>51</sup>

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

“Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (ARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk.”<sup>52</sup>

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

The proposed project would require construction activities for the approximate 12-month construction period. Project construction activities would result in short-term emissions of DPM and other TACs. The project site is located in an area that already experiences poor air quality

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<sup>49</sup> ARB, “In-Use Off-Road Equipment, 2011 Inventory Model,” Query accessed online, April 2, 2012, [http://www.arb.ca.gov/msei/categories.htm#inuse\\_or\\_category](http://www.arb.ca.gov/msei/categories.htm#inuse_or_category).

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

<sup>51</sup> USEPA, “Clean Air Nonroad Diesel Rule: Fact Sheet,” May 2004.

<sup>52</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2017, page 8-7.

and project construction activities would generate additional air pollution, affecting nearby sensitive receptors and resulting in a significant impact. Implementation of **Mitigation Measure M-AQ-2, Construction Air Quality**, would reduce the magnitude of this impact to a less-than-significant level. While emission reductions from limiting idling, educating workers and the public and properly maintaining equipment are difficult to quantify, other measures, specifically the requirement for equipment with Tier 2 engines and Level 3 Verified Diesel Emission Control Strategy (VDECS) can reduce construction emissions by 89 to 94 percent compared to equipment with engines meeting no emission standards and without VDECS.<sup>53</sup> Emissions reductions from the combination of Tier 2 equipment with level 3 VDECS is almost equivalent to requiring only equipment with Tier 4 Final engines. Therefore, compliance with **Mitigation Measure M-AQ-2** would reduce construction emissions impacts on nearby sensitive receptors to a *less-than-significant* level.

#### **Mitigation Measure M-AQ-2: Construction Air Quality**

The project sponsor or the project sponsor's Contractor shall comply with the following:

##### *A. Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road

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<sup>53</sup> PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.

4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

**B. Waivers.**

1. The Planning Department’s Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.

**Table – Off-Road Equipment Compliance Step-down Schedule**

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Emissions Control</b>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. Alternative fuels are not a VDECS.

- C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization



Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
  2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
  3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

### *Operational Air Quality Impacts*

Land use projects typically result in emissions of criteria air pollutants and TACs primarily from an increase in motor vehicle trips. However, land use projects may also result in emissions of criteria air pollutants and TACs from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The following discussion addresses air quality impacts resulting from operation of the proposed project.

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

As discussed above in Impact AQ-1, the air district, in its CEQA Air Quality Guidelines (May 2017), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency or applicant does not need to perform a detailed air quality assessment.

The proposed project consists of the demolition of the existing building and the construction of a four-story building containing 17 dwelling units and approximately 3,000 square feet of commercial spaces. The proposed project is below the operational screening criteria for the “apartment, low-rise, 451 dwelling units” and the “regional shopping center, 99,000 square feet” land use types identified in the BAAQMD’s *CEQA Air Quality Guidelines*. Thus, the proposed project would not exceed any of the significance thresholds for criteria air pollutants, and quantification of the proposed project’s operational criteria air pollutant emissions is not required. For these reasons, the proposed project’s operation would result in a less-than-significant impact related to criteria air pollutants.

**Impact AQ-4: The proposed project would generate toxic air contaminants, including diesel particulate matter, but not at levels that would expose sensitive receptors to substantial air pollutant concentrations. (Less than Significant)**

As discussed above, the project site is located within an APEZ. The proposed project consists of constructing a four-story building containing residential uses. Existing sensitive land uses in the project vicinity include residential uses to the south and there is a school to the east of the project site.

*Sources of Toxic Air Contaminants*

Individual projects result in emissions of TACs primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with fewer than 10,000 vehicles per day “minor, low-impact” sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project’s 252 daily vehicle trips would be well below this level and would be distributed among the local roadway network. Therefore an assessment of project-generated TACs resulting from vehicle trips is not required, and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

*Siting Sensitive Land Uses*

The proposed project consists of constructing a four-story building containing residential uses, which are considered sensitive land uses for the purpose of air quality evaluation. For sensitive use projects within the Air Pollutant Exposure Zone as defined by article 38, such as the proposed project, article 38 requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health that achieves protection from PM<sub>2.5</sub> equivalent to that associated with a Minimum Efficiency Reporting Value 13 MERV filtration. The Department

of Building Inspection will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with article 38, the project sponsor has submitted an initial application to DPH.<sup>54</sup> The regulations and procedures set forth by article 38 would reduce exposure of sensitive receptors to substantial pollutant concentrations.

**Impact AQ-5: The proposed project would not conflict with, or obstruct implementation of, the 2017 Clean Air Plan. (Less than Significant)**

The most recently adopted air quality plan for the air basin is the 2017 Clean Air Plan. The 2017 Clean Air Plan is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the plan, this analysis considers whether the project would: (1) support the primary goals of the plan, (2) include applicable control measures from the plan, and (3) avoid disrupting or hindering implementation of control measures identified in the plan.

The primary goals of the plan are to: (1) Protect air quality and health at the regional and local scale; (2) eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and (3) protect the climate by reducing greenhouse gas emissions. To meet the primary goals, the plan recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The plan recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the plan includes 85 control measures aimed at reducing air pollution in the air basin.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project's impact with respect to greenhouse gases are discussed in Section E.7, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the city's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 252 net new vehicle trips would result in a negligible increase in air pollutant

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<sup>54</sup> *Application for Article 38 Compliance Assessment, 6424 Third Street*, submitted May 20, 2015

emissions. Furthermore, the proposed project would be generally consistent with the San Francisco General Plan. Transportation control measures that are identified in the 2017 Clean Air Plan are implemented by the San Francisco General Plan and the San Francisco Planning Code, for example, through the city's Transit First Policy, bicycle parking requirements, and transit impact development fees. Compliance with these requirements would ensure the project includes relevant transportation control measures specified in the 2017 Clean Air Plan. Therefore, the proposed project would include applicable control measures identified in the 2017 Clean Air Plan to meet the 2017 Clean Air Plan's primary goals.

Examples of a project that could cause the disruption or delay of 2017 Clean Air Plan control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would add 17 dwelling units and 3,000 square feet of retail space to a dense, walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or a bike path or any other transit improvement, and thus would not disrupt or hinder implementation of control measures identified in the 2017 Clean Air Plan.

For the reasons described above, the proposed project would not interfere with implementation of the, and because the proposed project would be consistent with the applicable air quality plan that demonstrates how the region will improve ambient air quality and achieve the state and federal ambient air quality standards, this impact would be less than significant.

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

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Observation indicates that the project site is not substantially affected by sources of odors.<sup>55</sup> Additionally, the proposed project includes residential, commercial, and parking uses that would not create significant sources of new odors. Therefore, odor impacts would be less than significant.

**Impact C-AQ-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area would contribute considerably to cumulative air quality impacts. (Less than Significant with Mitigation)**

As discussed above, regional air pollution is by its very nature largely a cumulative impact. Emissions from past, present, and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions

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<sup>55</sup> Field observation on June 27, 2016.

contribute to existing cumulative adverse air quality impacts.<sup>56</sup> The project-level thresholds for criteria air pollutants are based on levels below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project’s construction and operational emissions (Impacts AQ-1 and AQ-3, respectively) would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not result in a cumulatively considerable contribution to regional air quality impacts.

As discussed above, the project site is located in an area that already experiences poor air quality. The proposed project would introduce new sources of TACs in the form of vehicle trips within an area already adversely affected by air quality. However, as discussed in Impact AQ-4, the proposed project’s 252 daily vehicle trips would not pose a significant health impact even in combination with other nearby sources. However, the proposed project’s construction emissions would contribute considerably to cumulative health risk impacts. Implementation of **Mitigation Measure M-AQ-2** would reduce the proposed project’s contribution to cumulative air quality impacts to a less-than-significant level.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>7. GREENHOUSE GAS EMISSIONS.— Would the project:</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will continue to contribute to global climate change and its associated environmental impacts.

The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project’s GHG emissions. CEQA Guidelines Section 15064.4 allows lead agencies

<sup>56</sup> BAAQMD, *CEQA Air Quality Guidelines*, 2017

to rely on a qualitative analysis to describe GHG emissions resulting from a project. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs and describes the required contents of such a plan. Accordingly, *San Francisco has prepared Strategies to Address Greenhouse Gas Emissions*<sup>57</sup> which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's qualified GHG reduction strategy in compliance with the CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>58</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD's *Bay Area 2010 Clean Air Plan*, Executive Order (EO) S-3-05, and Assembly Bill (AB) 32 (also known as the Global Warming Solutions Act).<sup>59</sup>

Given that the City' has met the State and region's 2020 GHG reduction targets and San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under EO S-3-05<sup>60</sup>, EO B-30-15,<sup>61,62</sup> and Senate Bill (SB) 32<sup>63,64</sup> the City's GHG reduction goals are consistent with EO S-3-05, EO B-30-15, AB 32, SB 32 and the *Bay Area 2010 Clean Air Plan*. Therefore, proposed projects that are consistent with the City's GHG reduction strategy would be consistent with the aforementioned GHG reduction goals, would not conflict

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<sup>57</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. This document is available online at: <http://www.sf-planning.org/index.aspx?page=2627>.

<sup>58</sup> ICF International, *Technical Review of the 2012 Community-wide GHG Inventory for the City and County of San Francisco*, January 21, 2015. Available at [http://sfenvironment.org/sites/default/files/fliers/files/icf\\_verificationmemo\\_2012sfcommunityinventory\\_2015-01-21.pdf](http://sfenvironment.org/sites/default/files/fliers/files/icf_verificationmemo_2012sfcommunityinventory_2015-01-21.pdf) accessed March 16, 2015.

<sup>59</sup> Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan* set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>60</sup> Office of the Governor, Executive Order S-3-05, June 1, 2005. Available at <http://www.pcl.org/projects/2008symposium/proceedings/Coatsworth12.pdf>, accessed March 16, 2016. Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>E)); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E). Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

<sup>61</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15, issued on April 29, 2015, sets forth a target of reducing GHG emissions to 40 percent below 1990 levels by 2030 (estimated at 2.9 million MTCO<sub>2</sub>E).

<sup>62</sup> San Francisco's GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

<sup>63</sup> Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding Section 38566, which directs that statewide greenhouse gas emissions to be reduced by 40 percent below 1990 levels by 2030.

<sup>64</sup> Senate Bill 32 was paired with Assembly Bill 197, which would modify the structure of the State Air Resources Board; institute requirements for the disclosure of greenhouse gas emissions criteria pollutants, and toxic air contaminants; and establish requirements for the review and adoption of rules, regulations, and measures for the reduction of greenhouse gas emissions.

with these plans or result in significant GHG emissions, and would therefore not exceed San Francisco's applicable GHG threshold of significance.

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

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

Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with waste removal, disposal, and landfill operations.

The proposed project would increase the activity onsite through the demolition of a vacant commercial building and the construction of a four-story, 40-foot-tall building containing 17 dwelling units and 3,000 square feet of retail. Therefore, the proposed mixed-use project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's Commuter Benefits Program, Transportation Sustainability Fee, and bicycle parking requirements, would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, and Residential Water

Ordinance, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>65</sup>

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Compositing Ordinance and the Construction and Demolition Debris Recovery Ordinance. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>66</sup> and reducing the energy required to produce new materials.

Compliance with other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>67</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>68</sup>

The project sponsor is required to comply with these regulations, which have proven effective as San Francisco's GHG emissions have measurably decreased when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the *Bay Area 2010 Clean Air Plan* GHG reduction goals for the year 2020. Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project's contribution to climate change. In addition, San Francisco's local GHG reduction targets are consistent with the long-term GHG reduction goals of EO S-3-05, EO B-30-15, AB 32, SB 32 and the *Bay Area 2010 Clean Air Plan*. Therefore, because the proposed projects is consistent with the City's GHG reduction strategy, it is also consistent with the GHG reduction goals of EO S-3-05, EO B-30-15, AB 32, SB 32 and the *Bay Area 2010 Clean Air Plan*, would not conflict with these plans, and would therefore not exceed San Francisco's applicable GHG threshold of significance. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

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<sup>65</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>66</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>67</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>68</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 6424 Third Street*, June 14, 2016.



<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>8. WIND AND SHADOW.—Would the project:</b>					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact WS-1: The proposed project would not alter wind in a manner that substantially affects public areas. (Less than Significant)**

A proposed project’s wind impacts are directly related to its height, orientation, design, location, and surrounding development context. Based on wind analyses for other development projects in San Francisco, a building that does not exceed a height of 85 feet generally has little potential to cause substantial changes to ground-level wind conditions. At a height of 40 feet, the proposed project would be one to two stories taller (approximately 20 feet) than the existing two- to three-story buildings in the project vicinity. However, given its height and surrounding development context, the proposed 40-foot-tall building (50-foot-tall with elevator penthouse) has little potential to cause substantial changes to ground-level wind conditions adjacent to and near the project site. For these reasons, the proposed project would not alter wind in a manner that substantially affects public areas, and this impact would be less than significant.

**Impact C-WS-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative wind impact. (Less than Significant)**

As discussed above, buildings shorter than 85 feet have little potential to cause substantial changes to ground-level wind conditions. Given that the height limit in the project vicinity is 40 feet, none of the nearby cumulative development projects would be tall enough to alter wind in a manner that substantially affects public areas. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative wind impact.

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

In 1984, San Francisco voters approved an initiative known as “Proposition K, The Sunlight Ordinance,” which was codified as Planning Code Section 295 in 1985. Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission

between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Public open spaces that are not under the jurisdiction of the Recreation and Park Commission as well as private open spaces are not subject to Planning Code Section 295.

Implementation of the proposed project would result in the construction of a 40-foot-tall building (50-foot-tall with elevator penthouse). The Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast new shadow on nearby parks or open spaces. The shadow fan analysis prepared by the Planning Department determined that the project as proposed would not cast shadow on any nearby parks or open spaces.<sup>69</sup>

The proposed project would shade portions of streets, sidewalks, and private properties in the project vicinity at various times of the day throughout the year. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For these reasons, the proposed project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, and this impact would be less than significant.

**Impact C-WS-2: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative shadow impact. (Less than Significant)**

As discussed above, the proposed project would not shadow any nearby parks or open spaces. Therefore, the proposed project would not contribute to any potential cumulative shadow impact on parks and open spaces.

The sidewalks in the project vicinity are already shaded for periods of the day by the densely developed, multi-story buildings. Although implementation of the proposed project and nearby cumulative development projects would add net new shadow to the sidewalks in the project vicinity, these shadows would be transitory in nature, would not substantially affect the use of the sidewalks, and would not increase shadows above levels that are common and generally expected in a densely developed urban environment.

For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative shadow impact.

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<sup>69</sup> San Francisco Planning Department, *Shadow Fan Analysis for 6424 Third Street*, May 19, 2016.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>9. RECREATION.</b>					
a) Would the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact RE-1: The proposed project would not result in substantial increase in the use of existing parks and recreational facilities, the deterioration of such facilities, include recreation facilities, or require the expansion of recreational facilities. (Less than Significant)**

The neighborhood parks or other recreational facilities closest to the project site are Bayshore Garden & Roses Park (500 feet south west of the project site), Third Street Community Garden (600 feet southwest), Le Conte Mini Park (760 feet southeast), and Bay View Park (860 feet southeast).

The proposed project would provide passive recreational uses onsite for the residents, including a 1,890-square-foot common open space at the second floor for 14 residential units and a total of 460 square feet of private open space for three residential units. In addition, residents of the proposed units would be within walking distance of the above-noted open spaces.

Although the proposed project would introduce a new permanent population (approximately 39 residents) to the project site, the number of new residents projected would not be large enough to substantially increase demand for, or use of, neighborhood parks or recreational facilities, such that substantial physical deterioration would be expected. The permanent residential population on the site and the incremental on-site daytime population growth that would result from the proposed commercial use would not require the construction of new recreational facilities or the expansion of existing facilities. Additionally, project-related construction activities would occur within the boundaries of the project site, which does not include any existing recreational resources.

For these reasons, the proposed project would have a less-than-significant impact on recreational facilities and resources.

**Impact C-RE-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact on recreational facilities or resources. (Less than Significant)**

Cumulative development in the project vicinity would result in an intensification of land uses and a cumulative increase in the demand for recreational facilities and resources. The City has accounted for such growth as part of the Recreation and Open Space Element of the *General Plan*.<sup>70</sup> In addition, San Francisco voters passed two bond measures, in 2008 and 2012, to fund the acquisition, planning, and renovation of the City’s network of recreational resources. As discussed above, there are four parks, open spaces, or other recreational facilities within 860 feet of the project site. It is expected that these existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by nearby cumulative development projects. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on recreational facilities or resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>10. UTILITIES AND SERVICE SYSTEMS.</b>					
<b>Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or are new expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>70</sup> San Francisco Planning Department, *San Francisco General Plan*, Recreation and Open Space Element, April 2014, pp. 20-36. Available online at [http://www.sf-planning.org/ftp/General\\_Plan/Recreation\\_OpenSpace\\_Element\\_ADOPTED.pdf](http://www.sf-planning.org/ftp/General_Plan/Recreation_OpenSpace_Element_ADOPTED.pdf), accessed May 20, 2016.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact UT-1: Implementation of the proposed project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, would not exceed the capacity of the wastewater treatment provider that would serve the project, and would not require the construction of new, or expansion of existing, wastewater treatment or stormwater drainage facilities. (Less than Significant)**

The project site is served by San Francisco's combined sewer system, which handles both sewage and stormwater runoff. The Southeast Water Pollution Control Plant provides wastewater and stormwater treatment and management for the east side of the city, including the project site. The proposed project would add approximately 39 residents and 9 employees, which would not substantially increase the amount of wastewater generated at the project site. In addition, the proposed project would incorporate water-efficient fixtures, as required by Title 24 of the California Code of Regulations and the San Francisco Green Building Ordinance. Compliance with these regulations would reduce wastewater flows and the amount of potable water used for building functions. The incorporation of water-efficient fixtures into new development is also accounted for by the SFPUC, because widespread adoption can lead to more efficient use of existing capacity.

The proposed project would also meet the wastewater pre-treatment requirements of the SFPUC, as required by the San Francisco Industrial Waste Ordinance in order to meet Regional Water Quality Control Board requirements (see discussion under Impact HY-1, under Topic 14, for additional stormwater management requirements).<sup>71</sup> Although the proposed project would add new residents and employees to the project site, this additional population is not beyond the growth projections included in long range plans for the city's wastewater system. Therefore, the incremental increase in the demand for wastewater would not require construction of new wastewater treatment facilities or expansion of existing facilities.

The proposed project would not substantially increase the amount of impervious surfaces at the project site. Compliance with the City's Stormwater Management Ordinance, adopted in 2010 and amended in 2016, and the 2016 Stormwater Management Requirements and Design Guidelines would require the proposed project to reduce or eliminate the existing volume and

<sup>71</sup> City and County of San Francisco, Ordinance No. 19-92, *San Francisco Municipal Code* (Public Works), Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

rate of stormwater runoff discharged from the project site. Since the proposed project is located on a site that has more than 50 percent impervious surface at present, the proposed project would create or replace more than 5,000 square feet of impervious surface, and the project site is served by the combined sewer system, the stormwater management approach required by the ordinance must demonstrate a reduction in the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm. The Stormwater Management Requirements set forth a hierarchy of best management practices (BMPs) to meet the stormwater runoff requirements. First priority BMPs involve reduction in stormwater runoff through approaches such as rainwater harvesting and reuse (e.g., for toilets and urinals and/or irrigation); infiltration through a rain garden, swale, trench, or basin; or through the use of permeable pavement or a green roof. Second priority BMPs include biotreatment approaches such as the use of flow-through planters or, for large sites, constructed wetlands. Third priority BMPs, only permitted under special circumstances, involve use of a filter to treat stormwater.

To achieve compliance with the Stormwater Management Requirements, the proposed project would implement and install appropriate stormwater management systems, such as permeable pavers and landscaping, that would manage stormwater on-site and limit demand on both the collection system and wastewater facilities. A Stormwater Control Plan would be required for review and approval by the SFPUC. The Stormwater Control Plan would also include a maintenance agreement that must be signed by the project sponsor to ensure proper care of the necessary stormwater controls. Therefore, the proposed project would not substantially increase the amount of stormwater runoff to the extent that existing facilities would need to be expanded or new facilities would need to be constructed; as such, the impacts would be less than significant.

Overall, while the proposed project would add to sewage flows in the area, it would not cause collection treatment capacity of the sewer system in the city to be exceeded. The proposed project also would not exceed wastewater treatment requirements of the Regional Water Quality Control Board, and would not require the construction of new wastewater/stormwater treatment facilities or expansion of existing ones. Therefore, since the proposed project would not require the construction of new or expanded wastewater or stormwater collection, conveyance or treatment facilities that could have a significant impact on the environment, the impact would be less than significant.

**Impact UT-2: The SFPUC has sufficient water supply and entitlements to serve the proposed project, and approval of the proposed project would not require expansion or construction of new water supply or treatment facilities. (Less than Significant)**

Implementation of the proposed project, which consists of 17 dwelling units and approximately 3,000 square feet of commercial space, would add approximately 39 residents and 9 employees to the site and incrementally increase the demand for water in San Francisco. However, the proposed project would not result in a population increase and corresponding water demand

beyond that assumed for planning purposes by the SFPUC's 2010 Urban Water Management Plan (2010 UWMP).<sup>72</sup>

In June 2011, the SFPUC adopted a resolution finding that the 2010 UWMP adequately fulfills the requirements of the water assessment for urban water suppliers. The 2010 UWMP uses year 2035 growth projections prepared by the Planning Department and the Association of Bay Area Governments to estimate future water demand. The proposed project is within the demand projections of the 2010 UWMP and would not exceed the water supply projections.

Although the total amount of water demand would increase at the project site, the proposed building would be designed to incorporate water-efficient fixtures as required by Title 24 of the California Code of Regulations and the City's Green Building Ordinance. Section 4.303 of the Green Building Code requires plumbing fixtures and fixture fittings that would reduce the overall use of potable water use within the proposed building by at least 20 percent. Because the proposed water demand could be accommodated by existing and planned water supply anticipated under the 2010 UWMP, the proposed project would not result in a substantial increase in water use and would be served from existing water supply entitlements and resources. In addition, the proposed project would include water conservation devices such as low-flow showerheads and low-flush toilets. For these reasons, there would be sufficient water supply available to serve the proposed project from existing water supply entitlements and resources, and new or expanded resources or entitlements would not be required. This impact would be less than significant.

**Impact UT-3: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would follow all applicable statutes and regulations related to solid waste. (*Less than Significant*)**

In September 2015, the City approved an Agreement with Recology, Inc. for the transport and disposal of the City's municipal solid waste at the Recology Hay Road Landfill in Solano County. The City began disposing its municipal solid waste at Recology Hay Road Landfill in January 2016, and that practice is anticipated to continue for approximately nine years, with an option to renew the agreement thereafter for an additional six years. San Francisco had a goal of 75 percent solid waste diversion by 2010, which it exceeded at 80 percent diversion, and has a goal of 100 percent solid waste diversion or "zero waste" to landfill or incineration by 2020. San Francisco Ordinance No. 27-06 requires mixed construction and demolition debris be transported by a Registered Transporter and taken to a Registered Facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. San Francisco's Mandatory Recycling and Composting Ordinance No. 100-09 requires all properties and everyone in the City to separate their recyclables, compostables, and landfill trash.

The proposed project would incrementally increase total waste generation from the City; however, the proposed project would be required to comply with San Francisco Ordinance Nos.

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<sup>72</sup> San Francisco Public Utilities Commission, 2010 Urban Water Management Plan for the City and County of San Francisco, June 2011.

27-06 and 100-09. Due to the existing and anticipated increase of solid waste recycling in the City and the agreement with Recology for diversion of solid waste to the Hay Road Landfill, any increase in solid waste resulting from the proposed project would be accommodated by the existing landfill. Thus, the proposed project would have less-than-significant impacts related to solid waste.

**Impact C-UT-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact on utilities and service systems. (Less than Significant)**

The proposed project would not substantially impact utility supply or service. Nearby development would not contribute to a cumulatively substantial effect on the utility infrastructure of the Bayview neighborhood. Furthermore, existing service management plans address anticipated growth in the surrounding area and the region. Therefore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, have been accounted for in these plans and would not result in a cumulative utilities and service systems impact.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>11. PUBLIC SERVICES.</b>					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government 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 of the public services such as fire protection, police protection, schools, parks, or other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For a discussion of impacts on parks, refer to Section E.9, Recreation.

**Impact PS-1: The proposed project would increase demand for police protection, fire protection, and other government services, but not to an extent that would require new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. (Less than Significant)**

The project site receives fire protection and emergency medical services from the San Francisco Fire Department’s Fire Station No. 44 at 1298 Girard Street, approximately 0.3 mile southwest of



the project site.<sup>73</sup> The project site receives police protection services from the San Francisco Police Department's Bayview Station at 201 Williams Avenue, approximately 0.7 mile north of the project site.<sup>74</sup> Implementation of the proposed project would add about 39 residents and 9 employees on the project site, which would increase the demand for fire protection, emergency medical, and police protection services. This increase in demand would not be substantial given the overall demand for such services on a citywide basis. Fire protection, emergency medical, and police protection resources are regularly redeployed based on need in order to maintain acceptable service ratios. Moreover, the proximity of the project site to Fire Station No. 44 and the Bayview Police Station would help minimize Fire Department and Police Department response times should incidents occur at the project site. The proposed project would also incrementally increase the demand for other governmental services and facilities, such as libraries. The San Francisco Public Library operates 27 branches throughout San Francisco,<sup>75</sup> and the Bayview/Linda Brooks-Burton Branch, approximately one mile northeast of the project site, would accommodate the minor increase in demand for library services generated by the proposed project. Therefore, impacts on police, fire, and other governmental services would be less than significant.

**Impact PS-2: The proposed project would not substantially increase the population of school-aged children and would not require new or physically altered school facilities. (Less than Significant)**

Implementation of the proposed project would result in the construction of 17 dwelling units and an anticipated population increase of about 39 residents. Some of the new residents of the 17 households could consist of families with school-aged children who might attend schools operated by the San Francisco Unified School District (SFUSD), while others might attend private schools. It is anticipated that existing SFUSD schools in the project vicinity would be able to accommodate this minor increase in demand. Furthermore, the proposed project would be required to pay a school impact fee based on the construction of net new residential square footage to fund SFUSD facilities and operations. For these reasons, implementation of the proposed project would not result in a substantial unmet demand for school facilities and would not require the construction of new, or alteration of existing, school facilities.

**Impact C-PS-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact on public services. (Less than Significant)**

Cumulative development in the project vicinity would result in an intensification of land uses and a cumulative increase in the demand for fire protection, police protection, school services, and other public services. The Fire Department, the Police Department, the SFUSD, and other

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<sup>73</sup> San Francisco Fire Department website, <http://www.sf-fire.org/index.aspx?page=176#divisions>, accessed May 23, 2016

<sup>74</sup> San Francisco Police Department website, <http://sanfranciscopolice.org/index.aspx?page=796>, accessed May 23, 2016.

<sup>75</sup> San Francisco Public Library website, <http://sfpl.org/pdf/libraries/sfpl421.pdf>, accessed May 19, 2016.

City agencies have accounted for such growth in providing public services to the residents of San Francisco. Nearby cumulative development projects would be subject to many of the same development impact fees applicable to the proposed project. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on public services.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>12. BIOLOGICAL RESOURCES:—</b>					
<b>Would the project:</b>					
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within an adopted Habitat Conservation Plan, a Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans. The project site is not located within a federally protected wetland, as defined by Section

404 of the Clean Water Act, and does not contain riparian habitat or other sensitive natural communities. Therefore, topics 12b, 12c, and 12f are not applicable to the proposed project.

**Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status species. (Less than Significant)**

The proposed project area is located in an urban environment with high levels of human activity, and only common bird species are likely to nest in the area. The project site is a previously developed lot and thus, any special-status species have been extirpated from the project area. The project site does not provide habitat for any rare or endangered plant or wildlife species. Therefore, the proposed project would have a less-than-significant impact on special-status species.

**Impact BI-2: The proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. (Less than Significant)**

San Francisco is within the Pacific Flyway, a major north-south route of travel for migratory birds along the western portion of the Americas. Nesting birds, their nests, and eggs are fully protected by the California Fish and Game Code (Sections 3503, 3503.5) and the federal Migratory Bird Treaty Act (MBTA). The proposed project includes the removal of four trees from the project site. Tree removal activities could potentially disturb nesting birds that are protected under the California Fish and Game Code or the MBTA. For the purposes of CEQA, a project that has the potential to substantially reduce the habitat, restrict the range, or cause a population of a native bird species to drop below self-sustaining levels could be considered a potentially significant biological resource impact requiring mitigation.<sup>76</sup> Although removal of trees on the project site could have an adverse impact on nesting birds, compliance with the requirements of the Fish and Game Code and the MBTA would ensure that there would be no loss of active nests or bird mortality. To comply with the Fish and Game Code and MTBA, the project sponsor would need to conduct tree removal activities as follows:

- Tree removal and pruning activities would be conducted outside bird nesting season (January 15–August 15) to the extent feasible;
- If tree removal activities are proposed during the breeding season (March through August), preconstruction surveys would be conducted by a qualified biologist within 15 days prior to the start of work from March through May, or 30 days prior to the start of work from June through August, to determine if any birds are nesting in or in the vicinity of any vegetation that is to be removed for the construction to be undertaken. If active nests are located during the preconstruction bird nesting survey, the project sponsor would contact the California Department of Fish and Wildlife for guidance on avoiding any

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<sup>76</sup> California Fish and Game Code Section 3503; Section 681, Title 14, California Code of Regulations.

adverse impacts on the nesting birds, such as establishing a construction-free buffer zone that would be maintained until the nestlings have fledged.

The location, height, and material of buildings, particularly transparent or reflective glass, may present risks for birds as they travel along their migratory paths. The City has adopted guidelines to address this issue and provided regulations for bird-safe design within San Francisco. Planning Code, Section 139, Standards for Bird-Safe Buildings, establishes building design standards to reduce avian mortality rates associated with bird strikes.<sup>77</sup> The project site is not located in an Urban Bird Refuge, so the standards concerning location-related hazards are not applicable to the proposed project.<sup>78</sup> The proposed project would comply with the building feature-related hazard standards of Section 139 by using bird-safe glazing treatment on 100 percent of any building feature-related hazard.

Overall, the proposed project would be subject to and would be required comply with City-adopted regulations for bird-safe buildings and federal and State migratory bird regulations. For these reasons, the proposed project would not interfere with the movement of any native resident or wildlife species or with established native resident or migratory wildlife corridors. Therefore, the proposed project would result in a less-than-significant impact on migratory species movement.

**Impact BI-3: The proposed project would not conflict with the City's local tree ordinance. (Less than Significant)**

The City's Urban Forestry Ordinance, *Public Works Code* Sections 801 et. seq., requires a permit from Public Works to remove any protected trees. Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco.

The proposed project includes the removal of four existing trees on the project site; however, these trees are not landmark trees and do not meet the size criteria for a significant tree. Eight existing street trees are located in front of the project site (five on Third Street and three on Key Avenue). The proposed project would retain the eight existing street trees and would plant four new street trees on Key Avenue. Because the proposed project would not conflict with the City's local tree ordinance, this impact would be less than significant.

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<sup>77</sup> San Francisco Planning Department, *Standards for Bird-Safe Buildings*, July 14, 2001. Available online at [http://208.121.200.84/ftp/files/publications\\_reports/bird\\_safe\\_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf](http://208.121.200.84/ftp/files/publications_reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf), accessed on August 23, 2016.

<sup>78</sup> San Francisco Planning Department, *Urban Bird Refuge Map*. Available online at [http://www.sf-planning.org/ftp/files/publications\\_reports/library\\_of\\_cartography/Urban\\_Bird\\_Refuge\\_Poster.pdf](http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Urban_Bird_Refuge_Poster.pdf), accessed May 28, 2016.

**Impact C-BI-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to biological resources. (Less than Significant)**

The project vicinity does not currently support any candidate, sensitive, or special-status species, any riparian habitat, or any other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. As with the proposed project, nearby cumulative development projects would also be subject to the MBTA, which protects special-status bird species; the California Fish and Game Code; and the bird-safe building and urban forestry ordinances. As with the proposed project, compliance with these ordinances would reduce the effects of development projects to less-than-significant levels.

The proposed project would not modify any natural habitat and would have no impact on any candidate, sensitive, or special-status species, any riparian habitat, or other sensitive natural community; and/or would not conflict with any local policy or ordinance protecting biological resources or an approved conservation plan. For these reasons, the proposed project would not have the potential to combine with past, present, and reasonably foreseeable future projects in the project vicinity to result in a significant cumulative impact related to biological resources. Therefore, cumulative impacts to biological resources would be less than significant.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>13. GEOLOGY AND SOILS.—</b>					
<b>Would the project:</b>					
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project would connect to the combined sewer system, which is the wastewater conveyance system for San Francisco, and would not use septic tanks or other on-site land disposal systems for sanitary sewage. Therefore, topic 13e is not applicable to the proposed project.

**Impact GE-1: The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides, and would not be located on unstable soil that could result in lateral spreading, subsidence, liquefaction, or collapse. (Less than Significant)**

A geotechnical investigation was conducted to assess the geologic conditions underlying the project site and provide recommendations related to the proposed project’s design and construction. The findings and recommendations, presented in a geotechnical report, are discussed below.<sup>79</sup>

The geotechnical investigation included the drilling of one test boring on the project site to a depth of 31.5 feet below ground surface (bgs). The project site is underlain by about five feet of medium dense, clayey sand with brick debris (fill) overlying loose to dense, clayey sand to the maximum depth explored. Groundwater was encountered about 25 feet bgs. The proposed improvements can be supported on a conventional spread footing foundation bearing in competent earth materials, and if spread footings cover a substantial portion of the building area, a mat foundation could be used as an alternative.

<sup>79</sup> H. Allen Gruen, *Geotechnical Investigation, Planned Development at 6424 3<sup>rd</sup> Street, San Francisco, California*, April 20, 2014.

The San Francisco Bay Area is a seismically active region. The project site is not within an Alquist-Priolo Earthquake Fault Zone, and there are no known active faults that run underneath the project site or in the project vicinity. The closest active fault to the project site is the San Andreas Fault, which is about 6.2 miles to the southwest. Nonetheless, the project site is subject to strong seismic ground shaking. The project site is in a liquefaction zone, but it is not in a landslide zone or located on unstable soil. The geotechnical report concludes that the potential for lateral spreading or liquefaction at the project site is low. The geotechnical report includes recommendations related to site preparation and grading, seismic design, foundations, retaining walls, slab-on-grade floors, and site drainage. Implementation of these recommendations would ensure that the proposed project would not cause the soil underlying the project site to become unstable and result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

The proposed project, which would be supported by a conventional spread footing foundation with a mat slab, is required to comply with the seismic safety standards set forth in the San Francisco Building Code (Building Code). DBI is the City agency responsible for reviewing the proposed project's building permit application, structural drawings and calculations, and geotechnical report and ensuring that the proposed project complies with the seismic safety standards and other applicable requirements of the Building Code. Project compliance with the Building Code would ensure that the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides would be less than significant, and no mitigation measures are necessary.

Therefore, the proposed project would not result in exposure of people and structures to potential substantial adverse effects. Impacts from seismic events or geologic hazards would be considered less than significant.

**Impact GE-2: The proposed project would not result in substantial soil erosion or the loss of topsoil. (Less than Significant)**

The project site is occupied by a commercial building and is almost entirely covered with impervious surfaces. For these reasons, construction of the proposed project would not result in the loss of substantial topsoil. Site preparation and excavation activities would disturb soil to a depth of approximately four feet below ground surface, creating the potential for windborne and waterborne soil erosion. While the topography of the project site slopes downward towards the north, construction activities would not result in substantial soil erosion because the project sponsor and its contractor would be required to implement BMPs that include erosion and sedimentation control measures (see Section E.14, Hydrology and Water Quality). Therefore, the proposed project's short-term construction-related erosion impacts would be less than significant. Similarly, no long-term erosion impacts are anticipated from the proposed project.

**Impact GE-3: The proposed project site would not be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project. (Less than Significant)**

San Francisco is within an area where less than 50 percent of the soil consists of clay with high swelling potential (i.e., expansive soils). Expansive soils shrink or swell substantially with changes in moisture content and generally contain a high percentage of clay particles. As discussed above, the project site is underlain by about five feet of medium dense, clayey sand with brick debris (fill) overlying loose to dense, clayey sand to the maximum depth explored of 31.5 feet. Groundwater is about 25 feet below ground surface and would not be encountered at the planned excavation depth of four feet; thus, dewatering for the proposed project is not anticipated to be necessary during construction. In addition, the area around the project site does not include hills or cut slopes likely to be subject to landslide, and the project site is not within a state designated seismic hazard zone for liquefaction.

DBI would review the detailed geotechnical report to ensure that the potential settlement and subsidence impacts of excavation are appropriately addressed in accordance with Section 1704.15 of the San Francisco Building Code. DBI would also require that the report include a determination as to whether a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets during construction. If a monitoring survey were recommended, DBI would require that a Special Inspector be retained by the project sponsor to perform this monitoring. If, in the judgment of the Special Inspector, unacceptable movement were to occur during construction, corrective actions would be used to halt this settlement. Further, the final building plans would be reviewed by DBI, which would determine if additional site-specific reports would be required. Therefore, impacts related to unstable soils at the project site would be less than significant.

**Impact GE-4: The proposed project would not directly or indirectly destroy a unique paleontological resource or site. (No Impact)**

The project site is already developed with an existing commercial building and implementation of the proposed project would not substantially change the topography of the site. Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geological formations containing those localities are also considered paleontological resources; they represent a limited, nonrenewable, and impact-sensitive scientific and educational resource. There are no unique geologic or physical features at the project site and construction activities are not anticipated to encounter any below-grade paleontological resources. Therefore, no impact would occur to topographic, unique geologic or physical features, and paleontological resources.



**Impact C-GE-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to geology and soils. (Less than Significant)**

Environmental impacts related to geology and soils are generally site-specific. Nearby cumulative development projects would be subject to the same seismic safety standards and design review procedures applicable to the proposed project. Compliance with the seismic safety standards and the design review procedures would ensure that the effects from nearby cumulative development projects would be reduced to less-than-significant levels. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to geology and soils.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>14. HYDROLOGY AND WATER QUALITY.— Would the project:</b>					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within a 100-year Flood Hazard Zone,<sup>80</sup> a dam failure area,<sup>81</sup> or a tsunami hazard area.<sup>82</sup> No mudslide hazards exist on the proposed project site because this part of the City is not located near any landslide-prone areas.<sup>83</sup> A seiche is an oscillation of a waterbody, such as a bay, that may cause local flooding. A seiche could occur in the San Francisco Bay due to seismic or atmospheric activity. However, the proposed project site is located approximately 0.8 miles from San Francisco Bay, and thus, would not be subject to a seiche. Therefore, topics 14g, 14h, 14i, and 14j are not applicable to the proposed project.

**Impact HY-1: The proposed project would not violate any water quality standards or waste discharge requirements. (Less than Significant)**

As discussed under Topic 10, Utilities and Service Systems, wastewater and stormwater from the project site would continue to flow into the City’s combined stormwater and sewer system and would be treated to the standards contained within the City’s National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant, prior to discharge into the San Francisco Bay. Treatment would be provided pursuant to the effluent discharge standards included within the City’s NPDES permit for the plant. Additionally, as new construction, the proposed project would be required to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance and meet the SFPUC stormwater management requirements per the 2016 Stormwater Management Requirements and Design Guidelines.

<sup>80</sup> Federal Emergency Management Agency. 2007. *Draft Special Flood Hazard Areas (San Francisco)*. September 21.  
<sup>81</sup> City of San Francisco. 2012. *General Plan*. Community Safety Element, October 2012, Map 6.  
<sup>82</sup> Ibid, Map 5.  
<sup>83</sup> Ibid, Map 4.

The project sponsor would be required to submit and have approved by the SFPUC a Stormwater Control Plan that complies with the City's 2016 Stormwater Management Requirements and Design Guidelines using a variety of best management practices (BMPs). As described under Topic 10, Utilities and Service Systems, for the proposed project, the stormwater management approach must reduce the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm through employment of a hierarchy of BMPs set forth in the Stormwater Management Requirements. Therefore, the proposed project would not substantially degrade water quality and water quality standards or waste discharge requirements would not be violated. Thus, the proposed project would have a less than significant impact on water quality.

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

As discussed under Section E.13, Geology and Soils, groundwater is about 25 feet below ground surface and would not be encountered at the planned excavation depth of four feet; thus, dewatering for the proposed project is not anticipated to be necessary during construction. The proposed project would be required to comply with all applicable regulations, including the San Francisco Stormwater Management Ordinance. The proposed project would not result in the use of groundwater; if groundwater were to be encountered, construction dewatering would be required. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

**Impact HY-3: The proposed project would not result in alterations to 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 or siltation on-site or off-site, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site. (Less than Significant)**

The project site is located in the Bayview neighborhood and no streams or rivers exist at the project site. Therefore, the proposed project would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the project site or area.

The proposed project would be designed to incrementally reduce the amount of impervious surface on the project site through implementation of low impact design features (such as permeable pavers and planting areas) and other measures identified in the Stormwater Management Ordinance, which also requires a decrease in the amount of stormwater runoff associated with the proposed project per the City's drainage control requirement. Therefore, although the proposed project is expected to result in a slight decrease in the amount of impervious surface on the project site; overall, impervious surfaces on the site would not substantially change as part of the proposed project and drainage patterns would generally remain the same. As such, the proposed project would not be expected to result in substantial

erosion or flooding associated with changes in drainage patterns; and potential erosion and flooding impacts would be less than significant.

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

During construction and operation of the proposed project, all wastewater and stormwater runoff from the project site would be treated at the Southeast Water Pollution Control Plant. As noted above, treatment would be provided pursuant to the effluent discharge standards contained in the City's NPDES permit for the plant. During construction and operation, the proposed project would be required to comply with all local wastewater discharge, stormwater runoff, and water quality requirements, including the 2016 San Francisco Stormwater Management Requirements and Design Guidelines, described above under Impact HY-1, and the Stormwater Management Ordinance. Compliance with the Stormwater Management Requirements and Design Guidelines would ensure that stormwater generated by the proposed project would be managed on-site to reduce the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm, such that the proposed project would not contribute additional volumes of polluted runoff to the City's stormwater infrastructure. Compliance with the Stormwater Management Ordinance would ensure that the design of the proposed project would include installation of appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit discharges from the site from entering the City's combined stormwater/sewer system. Therefore, the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, this impact would be less than significant and no mitigation measures are necessary.

**Impact C-HY-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not have a cumulative impact on hydrology and water quality. (Less than Significant)**

As stated above, the proposed project would result in no impacts or less-than-significant impacts related to water quality, groundwater levels, alteration of drainage patterns, capacity of drainage infrastructure, 100-year flood zones, failure of dams or levees, and/or seiche, tsunamis, and/or mudflow hazards. The proposed project would adhere to the same water quality and drainage control requirements that apply to all land use development projects in San Francisco. Since all development projects would be required to follow the same drainage, dewatering and water quality regulations, as the proposed project, peak stormwater drainage rates and volumes for the design storm would gradually decrease over time with the implementation of new, conforming development projects, meaning that no substantial adverse cumulative effects with respect to drainage patterns, water quality, stormwater runoff, or stormwater capacity of the combined sewer system would occur.

Further, San Francisco’s limited use of groundwater would preclude any significant adverse cumulative effects to groundwater levels, and the proposed project would not contribute to any cumulative effects with respect to groundwater. Cumulative impacts are not anticipated since all development projects would be required to follow the same drainage, dewatering and water quality regulations as the proposed project. Thus, cumulative hydrology and water quality impacts would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS.— Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topics 15e and 15f are not applicable to the proposed project.

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

The primary use of hazardous materials for the proposed project’s residential and retail uses would most likely be for building maintenance, particularly cleaning. These materials would be properly labeled, to inform the user of potential risks as well as handling procedures. The majority of these hazardous materials would be consumed upon use, and would produce very little waste. Any hazardous wastes that are produced would be managed in accordance with Article 22 of the San Francisco Health Code. In addition, transportation of hazardous materials are regulated by the California Highway Patrol and the California Department of Transportation. These hazardous materials are not expected to cause any substantial health or safety hazards. Therefore, potential impacts related to the routine use, transport, and disposal of hazardous materials would be less than significant.

**Impact HZ-2: The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and the proposed project would not 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. (Less than Significant)**

The project site is not included on a list of hazardous materials sites compiled by the California Department of Toxic Substance Control pursuant to Government Code Section 65962.5. The project site is located in a Maher Area, meaning that it is known or suspected to contain contaminated soil and/or groundwater.<sup>84</sup> The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, remediation of contaminated soils that are encountered in the building construction

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<sup>84</sup> San Francisco Planning Department, *Expanded Maher Area Map*, March 2015. Available online at [http://www.sf-planning.org/ftp/files/publications\\_reports/library\\_of\\_cartography/Maher%20Map.pdf](http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf), accessed July 6, 2016.

process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater are subject to this ordinance. The proposed project would require excavation to a depth of four feet below ground surface and the disturbance of approximately 100 cubic yards of soil. Therefore, the proposed project is subject to Health Code Article 22A (also known as the Maher Ordinance), which is administered and overseen by the Department of Public Health (DPH). The project sponsor is required 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.

The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the proposed project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to the DPH or other appropriate state or federal agencies and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit. A Phase I ESA has been prepared to assess the potential for site contamination, and the findings are discussed below.<sup>85</sup>

According to the Phase I ESA, the project site was formerly developed with a residence from at least 1914 to 1951; undeveloped between 1956 and 1975; and developed with the current structure in 1975. Tenants on the project site included Lewis & Ribbs Mortuary from 1975 to 2013, and Dan Scales Funeral Service, from 2013 to 2015. The immediately surrounding properties consist of a tutoring center to the north, residences to the south across Key Avenue; a church, school, and residence to the east across Third Street; and a Highway 101 South on-ramp to the west.

The Phase I ESA concluded that there are no Recognized Environmental Conditions on the project site. However, since the project site is located within the Maher area, the project sponsor is required to submit a SMP to DPH, in compliance with Article 22A of the Health Code. In addition, the sponsor would be required to conduct soil, groundwater and soil vapor testing at the project site. The proposed project would be required to remediate any potential soil contamination in accordance with Article 22A. Required compliance with the Maher Ordinance would ensure that implementation of the proposed project would not create a significant hazard to the public or the environment. This impact would be less than significant, and no mitigation measures are necessary.

**Impact HZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Less than Significant)**

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<sup>85</sup> Partner Engineering and Science, Inc., *Phase I Environmental Site Assessment, 6424 – 3<sup>rd</sup> Street, San Francisco*, January 7, 2014.

There is one school within a quarter-mile of the project site: KIPP Bayview Academy at 1060 Key Avenue (approximately 100 feet to the east of the project site across Third Street). As discussed under Impact HZ-1, the proposed project would include the use of common household items in quantities too small to create a significant hazard to the public or the environment. The proposed residential and retail uses would not produce hazardous emissions and would not involve the handling of hazardous or acutely hazardous materials, substances, or waste. This impact would be less than significant, and no mitigation measures are necessary.

**Impact HZ-4: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires? (Less than Significant)**

San Francisco ensures fire safety through provisions of the Building and Fire Codes. The additional residents, employees, and visitors could contribute to congestion if an emergency evacuation of the greater downtown area were required. Construction of the proposed project would conform to the provisions of the Building Code and Fire Code. Final building plans would be reviewed by the San Francisco Fire Department and DBI to ensure conformance with the applicable life-safety provisions, including development of an emergency procedure manual and an exit drill plan. Therefore, the proposed project would not obstruct implementation of the City's Emergency Response Plan, and potential emergency response and fire hazard impacts would be less than significant. No mitigation measures are necessary.

**Impact C-HZ-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to hazards and hazardous materials. (Less than Significant)**

Environmental impacts related to hazards and hazardous materials are generally site-specific. Nearby cumulative development projects would be subject to the same fire safety and hazardous materials cleanup ordinances and regulations applicable to the proposed project. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to hazards and hazardous materials.



<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>16. MINERAL AND ENERGY RESOURCES.— Would the project:</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is within designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.<sup>86</sup> This designation indicates that there is insufficient information available to designate as any other MRZ, and therefore, it is assumed that no significant mineral deposits exist. Furthermore, according to the San Francisco *General Plan*, no significant mineral resources exist in all of San Francisco. Therefore, topics 17a and 17b are not applicable to the proposed project.

**Impact ME-1: The proposed project would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use these resources in a wasteful manner. (Less than Significant)**

The proposed project is located within the Bayview neighborhood where there are existing buildings and infrastructure; therefore, the project would be served by existing utilities. As stated in the analysis in Section E.10, Utilities and Service Systems, adequate water supplies exist to serve the proposed project. In addition, the proposed project is located in a developed urban area that is served by multiple transit systems. Use of these transit systems by residents, visitors, and employees would reduce the amount of fuel expended in private automobiles. The proposed project's energy demand would be typical for a development of this scope and nature, and would comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by DBI. The proposed project would also be required to comply with the City's Green Building Ordinance. Therefore, the energy demand associated with the proposed project would not result in a significant impact.

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<sup>86</sup> California Division of Mines and Geology. Open File Report 96-03 and Special Report 146 Parts I and II.

**Impact C-ME-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative mineral and energy impacts. (Less than Significant)**

The geographic scope for potential cumulative impacts on energy resources impacts encompasses the SFPUC water and power supply system. SFPUC supplies the City and County of San Francisco, as well as others in the region, with water and power. Similar to the proposed project, projects within the vicinity or the region would require the use of fuel, water, or energy.

Cumulative projects in the area would be required to comply with the City’s Green Building Ordinance and Title 24 of the California Code of Regulations, enforced by DBI. Because these building codes encourage sustainable construction practices related to planning and design, energy efficiency, and water efficiency and conservation, energy consumption would be expected to be reduced compared to conditions without such regulations. Therefore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact related to mineral and energy resources.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>17. AGRICULTURE AND FORESTRY RESOURCES:</b> 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.					
<b>—Would the project:</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is within an urbanized area in the City and County of San Francisco that does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses. Therefore, topics 17a, b, c, d, and e are not applicable to the proposed project.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>18. MANDATORY FINDINGS OF SIGNIFICANCE—</b>					
a) Does the project 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are 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.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would not 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, or reduce the number or restrict the range of a rare or endangered plant or animal. As described in Section E.3, Cultural Resources, the proposed project could result in a substantial adverse change on archeological resources; however, implementation of

**Mitigation Measures M-CR-2, Accidental Discovery of Archeological Resources**, would reduce the impact to a less-than-significant level. Additionally, in the event that human remains or tribal cultural resources are encountered during construction, **Mitigation Measures M-CR-2, Accidental Discovery of Archeological Resources**, would reduce impacts on previously unknown human remains and tribal cultural resources to a less-than-significant level.

Therefore, the proposed project would not result in a significant impact through the elimination of important examples of major periods of California history or prehistory. As discussed in Section E.13, Geology and Soils, implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site. For these reasons, the proposed project would not result in the elimination of important examples of major periods of California history or prehistory.

As discussed in Section E.5, Noise, construction of the proposed project could generate temporary noise levels that would affect nearby residents and other sensitive receptors. Required compliance with the San Francisco Noise Ordinance would reduce these impacts to less-than-significant levels. Although no construction noise impacts are expected, **Improvement Measure I-NO-2**, which has been agreed to by the project sponsor, has been identified to minimize construction-related noise as much as possible.

As discussed in Section E.6, Air Quality, the project site is located in an area that already experiences poor air quality. The proposed project's construction emissions would contribute considerably to cumulative health risk impacts. Implementation of **Mitigation Measure M-AQ-2** would reduce the proposed project's contribution to cumulative air quality impacts to a less-than-significant level.

For these reasons, the proposed project would not cause substantial adverse effects on human beings.

Note: Authority cited: Sections 21083 and 21083.05, 21083.09 Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21073, 21074 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21080.3.1, 21080.3.2,21082.3, 21084.2, 21084.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino,(1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

## F. MITIGATION AND IMPROVEMENT MEASURES

The following mitigation measures have been identified to reduce potentially significant environmental impacts resulting from the proposed project to less-than-significant levels. In addition, improvement measures have also been agreed to by the project sponsor to further reduce less-than-significant impacts.

### **Mitigation Measure M-CR-2: Accidental Discovery of Archeological Resources**

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c), tribal cultural resources as defined in CEQA Statute Section 21074, and human remains. The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

A preconstruction training shall be provided to all construction personnel performing or managing soils disturbing activities by a qualified archaeologist prior to the start of soils disturbing activities on the project. The training may be provided in person or using a video and include a handout prepared by the qualified archaeologist. The video and materials will be reviewed and approved by the ERO. The purpose of the training is to enable personnel to identify archaeological resources that may be encountered and to instruct them on what to do if a potential discovery occurs. Images of expected archeological resource types and archeological testing and data recovery methods should be included in the training.

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 an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. 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. The ERO may also

determine that the archeological resources is a tribal cultural resource and will consultant with affiliated Native Americans tribal representatives, if warranted.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; an archeological testing program; and an interpretative program. If an archeological monitoring program, archeological testing program, or interpretative program is required, it shall be consistent with the Environmental Planning (EP) 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.

If human remains and associated or unassociated funerary objects are discovered during any soils disturbing activity, all applicable State and Federal Laws shall be followed, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

The project archeological consultant shall prepare a Final Archeological Resources Report (FARR) 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 Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic

Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

**Mitigation Measure M-AQ-2: Construction Air Quality**

The project sponsor or the project sponsor's Contractor shall comply with the following:

A. *Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. *Waivers.*

1. The Planning Department's Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.

**Table – Off-Road Equipment Compliance Step-down Schedule**

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Emissions Control</b>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. Alternative fuels are not a VDECS.

- C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

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**Improvement Measure I-NO-2: Construction Noise**

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the DBI to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site.
- Utilize noise control blankets on the building as the building is erected to reduce noise emission from the site.
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.
- Post signs on-site with information regarding permitted construction days and hours, complaint procedures, and the name(s) and telephone number(s) of the individual(s) to be contacted in the event of a problem.

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**Improvement Measure I-TR-3: Non-Peak Construction Traffic Hours**

To minimize the construction-related disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods, truck movements and deliveries requiring lane closures could be limited to occur between 9:00 a.m. to 3:30 p.m., outside of peak morning and evening hours.



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**G. PUBLIC NOTICE AND COMMENT**

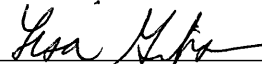
On August 10, 2015, the Planning Department mailed a Notification of Project Receiving Environmental Review to owners of properties within 300 feet of the project site, adjacent occupants, and neighborhood groups. No comments were received.

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**H. DETERMINATION**

On the basis of this Initial Study:

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

  
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Lisa Gibson  
Environmental Review Officer  
for  
John Rahaim  
Director of Planning

DATE 11/8/17

## I. INITIAL STUDY PREPARERS

Planning Department

Environmental Planning Division

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