

## CHAPTER 6 Other CEQA/NEPA Considerations

### 6.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires a brief description of any possible significant effects that were determined not to be significant and were, therefore, not analyzed in Chapter 5, *Environmental Consequences*. All CEQA and National Environmental Policy Act (NEPA) topics are fully reviewed in this Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS).

### 6.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS

In accordance with Section 21061 of CEQA and with Sections 15126(b) and 15126.2(b) of the CEQA Guidelines, the purpose of this section is to identify environmental impacts that cannot be eliminated or reduced to less-than-significant levels by implementation of mitigation measures included in the Proposed Project or identified in Chapters 4 and 5.

The Proposed Project, Alternative 1, Alternative 2, and Alternative 3 with mitigation, would result in the following significant, unavoidable project-level and cumulative impacts. The mitigation measures would reduce the significant impacts, but not to a less-than-significant level.

#### ■ Proposed Project

**Exceed Transit Capacity Threshold.** The Proposed Project would increase ridership on the Muni 10 Townsend line, which would result in an exceedance of Muni's 85 percent capacity utilization threshold. (TR-4a)

**Construction-Related Traffic Impacts.** The Proposed Project would involve extensive construction over several years that could result in the following temporary conditions: street closures and detours, rerouting of Muni lines and bus stops, and sidewalk closures. (TR-14a)

**Cumulative Intersection Impacts.** The Proposed Project would result in a cumulatively considerable contribution to delay exceedances at four intersections: #3—Pennsylvania Avenue/SB I-280 Off-Ramp, #4—25<sup>th</sup> Street/Indiana Street/NB I-280 On-Ramp, #12—Cesar Chavez Street/Vermont Street, and #13—Cesar Chavez Street/US 101 Off-Ramp. (C-TR-1b)

**Cumulative Transit Capacity Impacts.** The Proposed Project would result in a cumulatively considerable contribution to capacity utilization exceedances on the 10 Townsend and 48 Quintara-24<sup>th</sup> Street Muni lines. (C-TR-4a)

**Cumulative Muni Screenline Impacts.** The Proposed Project would result in a cumulatively considerable contribution to capacity utilization exceedances on Muni Southeast screenline. (C-TR-5a)

**Substantial Permanent Increase in Ambient Noise.** The Proposed Project would cause a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Proposed Project. (NO-3)

**Violation of Air Quality Standard.** The Proposed Project would violate an air quality standard, contribute substantially to an existing air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (AQ-2)

**Cumulative Air Quality Impacts.** The Proposed Project, in combination with other past, present, and reasonably foreseeable future projects, would result in a significant cumulative impact related to air quality. (C-AQ-1)

## ■ Alternative 1 – Reduced Development Alternative

**Exceed Transit Capacity Threshold.** Alternative 1 would increase ridership on the Muni 10 Townsend line, which would result in an exceedance of Muni’s 85 percent capacity utilization threshold. (TR-4a)

**Construction-Related Traffic Impacts.** Alternative 1 would involve extensive construction over several years that could result in the following temporary conditions: street closures and detours, rerouting of Muni lines and bus stops, and sidewalk closures. (TR-14a)

**Cumulative Intersection Impacts.** Alternative 1 would result in a cumulatively considerable contribution to delay exceedances at four intersections: #3—Pennsylvania Avenue/SB I-280 Off-Ramp, #4—25<sup>th</sup> Street/Indiana Street/NB I-280 On-Ramp, #12—Cesar Chavez Street/Vermont Street, and #13—Cesar Chavez Street/US 101 Off-Ramp. (C-TR-1b)

**Cumulative Transit Capacity Impacts.** Alternative 1 would result in a cumulatively considerable contribution to capacity utilization exceedances on the 10 Townsend and 48 Quintara–24<sup>th</sup> Street Muni lines. (C-TR-4a)

**Cumulative Muni Screenline Impacts.** Alternative 1 would result in a cumulatively considerable contribution to capacity utilization exceedances on Muni Southeast screenline. (C-TR-5a)

**Substantial Permanent Increase in Ambient Noise.** Alternative 1 would cause a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Proposed Project. (NO-3)

**Violation of Air Quality Standard.** Alternative 1 would violate an air quality standard, contribute substantially to an existing air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (AQ-2)

**Cumulative Air Quality Impacts.** Alternative 1, in combination with other past, present, and reasonably foreseeable future projects, would result in a significant cumulative impact related to air quality. (C-AQ-1)

## ■ Alternative 2 – Housing Replacement Alternative

**Construction-Related Traffic Impacts.** Alternative 2 would involve extensive construction over several years that could result in the following temporary conditions: street closures and detours, rerouting of Muni lines and bus stops, and sidewalk closures. (TR-14a)

## ■ Alternative 3 – No Project Alternative

**Seismic Effects.** The No Project Alternative would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: ruptures of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.

## 6.3 GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth.... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

### ■ Direct Growth

Growth can be induced directly through the construction of substantial new housing to attract additional population.

### ■ Indirect Growth

Growth can also be induced indirectly by creating substantial new employment opportunities that attract employees to the area, in turn stimulating demand for additional housing or public services to serve the added workforce, or by extending to a previously unserved area infrastructure needed to support residential or economic growth, such as roads or essential utility services. Growth inducement analysis under CEQA considers the ways in which proposed projects could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.<sup>1</sup> Projects that are traditionally or most commonly considered growth inducing are those that would remove obstacles to population growth, such as

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<sup>1</sup> CEQA Guidelines, Section 15126.2(d).

the extension of roadways and/or public utilities service and/or infrastructure to previously underserved areas.

Growth inducement may lead to adverse environmental impacts if the induced growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected and thus would lead to adverse physical effects that might not occur otherwise. Local land use plans provide for land use development patterns and growth policies that encourage orderly urban development supported by adequate urban public services such as water supply, roadway infrastructure, sewer services, and solid waste services. A project that would induce “disorderly” growth (i.e., growth that would conflict with the local land use plans) could indirectly cause additional adverse environmental impacts and other public services impacts, such as increased demand for public services, increased traffic and noise, degradation of air or water quality, or conversion of agricultural and open space land to urban uses.

The San Francisco HOPE SF Program, a partnership between the San Francisco Mayor’s Office of Housing and Community Development (MOHCD) and the San Francisco Housing Authority (SFHA), proposes to redevelop the Potrero housing developments as a part of its program to revitalize distressed public housing developments in San Francisco. Built in two phases in 1941 and 1955, the Potrero site comprises two of the oldest public housing developments in San Francisco, Potrero Terrace and Potrero Annex. Together, these public housing developments house a population of approximately 1,280 people. The following discusses the growth inducement under the Proposed Project and its alternatives.

**Proposed Project.** The Proposed Project would increase the number of dwelling units on the site from 620 to approximately 1,700, an increase of approximately 1,080 residential units. The final number of units is dependent on the unit mix. Of the new units, 620 would be replacement public housing dwelling units, on a one-for-one basis, that would remain affordable housing, subsidized by the SFHA, but under management by and the ownership of the project applicant or related entities.<sup>2</sup> Of the additional approximately 1,080 units, approximately 450 units would be affordable housing while approximately 630 units would be market rate housing. Up to 15,000 square feet (sf) of ground-floor, neighborhood-serving retail or flex space<sup>3</sup> would be developed along 24<sup>th</sup> Street between Arkansas Street and Missouri Street and at the corner of 25<sup>th</sup> Street and Connecticut Street.

The Proposed Project would include a Community Center and open space throughout the Project site. The Community Center, which would include daycare and preschool facilities, would be located on 24<sup>th</sup> Street between Arkansas Street and Missouri Street and would be up to 35,000 sf in

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<sup>2</sup> This Draft EIR/EIS states throughout that there are 620 units at the Project site. Due to a change in the use of units (i.e., formerly residential units being used for daycare), there are currently 606 units available for occupancy at the Project site. The analysis in this Draft EIR/EIS assumes that 620 residential units are present.

<sup>3</sup> Areas defined as flex space would ideally be used for retail and commercial uses. If demand is low for retail and commercial uses, flex space would also allow active live/work use.

size. The Proposed Project would include approximately 1,055 off-street parking spaces, primarily as underground or structured parking garages, with 45 of these being handicap accessible and approximately 600 unmetered on-street parking spaces.

As a result of the Proposed Project, population on the Project site would have a net increase of up to 2,596 residents<sup>4</sup> and up to 72 employees.<sup>5</sup> As shown in Table 4.4-2 in Section 4.4, *Socioeconomics and Community*, the household population in San Francisco is expected to increase from 780,971 residents in 2010 to 913,000 residents in 2030,<sup>6</sup> for a net increase of approximately 132,000 household residents. As such, the residential component of the Proposed Project would be approximately 2 percent of the projected total household population growth from 2010 to 2030. This increase in the household population is within the Association of Bay Area Governments' (ABAG) forecasts for the and would not represent a significant amount of unplanned growth in relation to the rest of the city.

New residential units at the Project site would help to address citywide need for housing in which job growth and in-migration exceed the supply of new housing. Future development under the Proposed Project would result in up to approximately 1,700 dwelling units, a net increase of 1,080 units over existing conditions. With the new housing construction, the Proposed Project would increase the city's overall housing stock. However, implementation of the Proposed Project would not represent a significant growth in housing in the context of the city as a whole, which is projected to have an increase of 54,889 households between 2010 and 2030.<sup>7</sup> The Proposed Project would represent approximately 2 percent of the projected household growth by 2030.

The Project site also includes building management, daycare center providers, and a Family Resource Center. Currently, there are approximately 15 people employed at the Project site for these uses. The Proposed Project would continue these services during construction and operation; therefore, these jobs would not be lost as a result of the Proposed Project. The Proposed Project would employ approximately 72 individuals.<sup>8</sup> The employment generated by this alternative would result in a net increase of approximately 72 employees, which could result in a corresponding demand for approximately 72 new housing units, assuming that each employee would have its own household and move into the city rather than commute from adjacent jurisdictions. However, this demand would not be substantial in context of citywide housing growth over the next 20 years.

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<sup>4</sup> 1,700 units under the Proposed Project x 2.28 persons per household = 3,876 residents. Therefore, the net increase (3,876 future residents – 1,280 existing residents) in project site population would be approximately 2,596.

<sup>5</sup> Van Meter Williams Pollack. 2011. *Potrero Master Plan Employee Projections*. San Francisco, CA. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2010.0515E.

<sup>6</sup> Please note that although construction is expected to last until 2025, as discussed in Chapter 2, *Project Description and Alternatives*, full occupancy of the Proposed Project is not expected until a few years after. As such, this analysis uses 2030 as the buildout year.

<sup>7</sup> ABAG Projections (2009).

<sup>8</sup> Van Meter Williams Pollack. 2011. *Potrero Master Plan Employee Projections*. San Francisco, CA.

The Proposed Project is located in an urban area that is already served by the city's municipal infrastructure and public services. The Proposed Project would not directly or indirectly induce new development that would result in the expansion of municipal infrastructure or public services not already under construction or included with the Proposed Project. Furthermore, the Proposed Project would not result in development of new public services that would accommodate significant further growth. For these reasons, the Proposed Project would not be considered to result in significant growth-inducing impacts.

**Reduced Development Alternative (Alternative 1).** Similar to the Proposed Project, Alternative 1 would replace all 620 existing housing units; incorporate additional affordable housing and market-rate homes into the community; and add amenities such as open space, retail opportunities, and neighborhood services. Including the 620 public housing units, Alternative 1 would build up to 1,280 homes, new vehicle connections, new pedestrian connections, a new circulation concept, and new transit stops.

As a result of Alternative 1, population in the Project site would have a net increase up to 1,638 residents<sup>9</sup> and up to 72 employees.<sup>10</sup> The residential component of this alternative would be approximately 1.2 percent of the projected total household population growth from 2010 to 2030. This increase in the household population is within the ABAG forecasts for the city and would not represent a significant amount of unplanned growth in relation to the rest of the city.

New residential units at the Project site would help to address citywide need for housing in which job growth and in-migration exceed the supply of new housing. Future development under Alternative 1 would result in up to approximately 1,280 dwelling units, a net increase of 660 units over existing conditions. This would represent approximately 1.2 percent of the projected household growth between 2010 and 2030. In addition, Alternative 1 would employ approximately 72 individuals. The employment generated by this alternative would result in a net increase of approximately 72 employees, which could result in a corresponding demand for approximately 72 new housing units, assuming that each employee would have its own household and move into the city rather than commute from adjacent jurisdictions. However, similar to the Proposed Project, this demand would not be substantial in context of citywide housing growth over the next 20 years.

Similar to the Proposed Project, Alternative 1 is located in an urban area that is already serviced by the city's municipal infrastructure and public services and would not directly or indirectly induce new development that would result in the expansion of municipal infrastructure or public services

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<sup>9</sup> 1,280 units under the Reduced Development Alternative x 2.28 persons per household = 2,918 residents. Therefore, the net increase (2,918 future residents – 1,200 existing residents) in project site population would be approximately 1,718.

<sup>10</sup> Van Meter Williams Pollack, Potrero Master Plan Employee Projections, San Francisco, CA (2011). This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2010.0515E.

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not already under construction or included with the Proposed Project. This alternative would not result in development of new public services that would accommodate significant further growth. For these reasons, Alternative 1 would not be considered to result in significant growth-inducing impacts.

**Housing Replacement Alternative (Alternative 2) and No Project Alternative (Alternative 3).** Alternative 2 would demolish the existing 620 affordable housing units and construct 620 replacement units in the same development pattern as existing conditions. Alternative 3 would leave the Project site as-is. Therefore, neither alternative would increase the existing population either directly (with the construction of additional housing units) or indirectly (with the introduction of new jobs). In addition, these alternatives would not require new infrastructure or public services that could induce further population growth. As such, Alternatives 2 and 3 would not result in growth-inducing impacts.

## 6.4 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

In accordance with Section 21100(b)(2)(B) of CEQA, and Section 15126.2(c) of the CEQA Guidelines, an EIR must identify any significant irreversible environmental changes that could result from implementation of the Proposed Project. This may include current or future uses of nonrenewable resources, and secondary or growth-inducing impacts that commit future uses of nonrenewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. According to the CEQA Guidelines, irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Similarly, NEPA requires that an environmental analysis include identification of "...any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented" (42 USC §4332). Such irreversible and irretrievable commitments are related to the use of nonrenewable resources and the effects that this use could have on future generations.

In general, such irreversible commitments include resources such as energy consumed and construction materials used in construction of a proposed project, as well as the energy and natural resources (notably water) that would be required to sustain a project and its inhabitants or occupants over the usable life of the project.

Implementation of the Proposed Action, Alternative 1, and Alternative 2 would result in the irreversible and irretrievable commitment of energy and material resources during project construction and maintenance, including the following:

- Construction materials, including soils, rocks, lumber, concrete, sand, gravel, asphalt, masonry, metals, and water

- Land area committed to new project facilities
- Energy expended in the form of electricity, natural gas, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for project construction, operation, and maintenance

The use of these nonrenewable resources is expected to account for only a small portion of the region's resources and would not affect the availability of these resources for other needs within the region. Construction activities would not result in inefficient use of energy or natural resources. Construction contractors selected would use best available engineering techniques, construction and design practices, and equipment operating procedures. Long-term operation of the Proposed Action, Alternative 1, and Alternative 2 would not result in substantial long-term consumption of energy and natural resources.

CEQA further requires consideration of potential energy impacts of a Proposed Project (PRC Section 2100(b)(3)). Appendix F of the CEQA Guidelines outlines issues related to energy conservation and includes potential project description considerations, types of impacts applicable to energy use, and potential mitigation measures to reduce wasteful, inefficient, and unnecessary consumption of energy. According to CEQA, the goal of energy conservation implies wise and efficient use of energy, which can be accomplished by reducing energy consumption (e.g., natural gas and oil) and increasing reliance on renewable energy sources. HUD environmental review requirements also require discussion of energy requirements and conservation.

Energy used during Project demolition, construction, and operation would be expended primarily in the form of fossil fuels, such as natural gas, gasoline, and diesel fuel. The Proposed Action and alternatives would comply with California Code of Regulations Title 24 standards and the City's Building Code Requirements for Construction Projects and, as such, it would not use energy in a wasteful, inefficient, or unnecessary manner. Resources consumed during demolition, construction, and operation would include concrete, gravel, lumber, asphalt, masonry, metals, and water. The Proposed Project and alternatives would also irreversibly use water and solid waste landfill resources.

The Proposed Action and Alternative 1 would intensify development in the Project area consistent with development in San Francisco's urban environment. Although not irreversible, the effects of this development would be difficult to change in the short-run. The Proposed Action and Alternative 1 would not involve a large commitment of nonrenewable resources relative to supply, nor would it consume any of those resources wastefully. Alternative 2 would not increase the level of development at the site, but would require construction and the use of nonrenewable resources. Nonetheless, similar to the Proposed Action, this alternative would not use a significant amount of resources compared to the existing supply. Alternative 3 would not involve construction or increased operation; therefore, this alternative would not result in irreversible impacts.



## 6.5 RELATIONSHIP BETWEEN SHORT-TERM USE OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

NEPA requires consideration of the relationship between short-term uses of the environment and long-term productivity associated with federal actions (42 USC §4332). This comparison is generally interpreted to recognize that a short-term (temporary) use of the environment may enable the advancement of long-term community needs. For example, construction of a school would negatively affect traffic and air quality in the short-term, but would fulfill a long-term community need to provide adequate educational facilities for its residents. A community might be willing to accept this trade-off.

Within the context of this Draft EIS/EIR, “short-term” refers to the construction period, while “long-term” refers to the operational life of the project and beyond.

Project construction would result in short-term construction-related effects such as interference with local traffic and circulation, and increased air pollution emissions, increased ambient noise levels, dust generation, and disturbance of wildlife. Construction of the Proposed Project is anticipated to last approximately 10 years, from 2015 to 2025, or longer. As such, construction-related effects would be temporary, occurring only during construction, and are not expected to alter the long-term productivity of the Project site and its adjacent uses.

Implementation of the Proposed Project and Alternative 1 would result in negative and beneficial long-term effects. Long-term negative effects include increased air pollution emissions, noise, traffic, and changes in visual resources. Long-term beneficial effects include assisting in the long-term productivity of the site by improving economic benefits to the city, adding affordable housing units, adding to the city’s general housing stock, and providing improved vehicular, transit, and pedestrian connections throughout the site. The majority of long-term negative effects would be reduced through the implementation of mitigation measures, as described throughout this Draft EIR/EIS. The beneficial effects would contribute to the long-term productivity of the community by providing economic benefits, improving and providing affordable housing, increasing the city’s housing stock, and providing transportation improvements. Therefore, the long-term beneficial effects of the Proposed Project and Alternative 1 would outweigh its potentially significant short-term physical impacts on the environment.

Alternative 2 would not add to the city’s housing stock or provide further economic benefits, but would generally increase the visual quality of the site. Alternative 3 would not result in any direct impacts on the environment since no construction would occur and operation would not increase. However, long-term effects such as deterioration of the existing housing stock and continued isolation from the surrounding neighborhood contribute to negative economic and visual effects to those residing at the Project site and in the surrounding neighborhood.

## 6.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Sections 21002 and 21081 of CEQA requires lead agencies to adopt feasible mitigation measures or feasible environmentally superior alternatives in order to substantially lessen or avoid otherwise significant adverse environmental effects, unless specific social or other conditions make such mitigation measures or alternatives infeasible. CEQA also requires that an environmentally superior alternative be identified among the alternatives analyzed. In general, the environmentally superior alternative is the project that avoids or substantially lessens some or all of the significant and unavoidable impacts of the proposed project (CEQA Guidelines Section 15126.6).

On the basis of comparing the extent to which the alternatives reduce or avoid the significant impacts of the Proposed Project, Alternative 3 would be the environmentally superior alternative. Since no development would occur at the Project site, there would be no new construction or operational impacts. If it is determined that the "no project" alternative would be the environmentally superior alternative, then the EIR/EIS shall also identify an environmentally superior alternative among the other project alternatives.

As previously discussed, Alternative 1 would result in 420 fewer units than the Proposed Project. As illustrated above, both the Proposed Project and Alternative 1 would result in the same number significant and unavoidable impacts. However, Alternative 2 would only result in one significant and unavoidable impact. Although impacts under Alternative 1 would be less severe than the under the Proposed Project, Alternative 2 would result in the fewest significant impacts. For this reason, Alternative 2 is considered the Environmentally Superior Alternative.

## 6.7 OTHER FEDERAL LAWS/EXECUTIVE ORDERS

HUD stipulates that specific statutory requirements of federal laws and authorities, and other requirements discussed in 24 Code of Federal Regulations (CFR) 58.5 and 58.6, be analyzed under NEPA. These federal laws and authorities are analyzed in each applicable section of Chapter 5, *Environmental Consequences*. They are presented together in this section for ease of reference.

### 6.7.1 Flood Disaster Protection Act—24 CFR 58.6(a)

As stated in Section 5.17, *Hydrology and Water Quality*, the Project site is not within a floodplain.<sup>11</sup> The Proposed Project would comply with the Flood Disaster Protection Act.

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<sup>11</sup> Federal Emergency Management Agency, Preliminary Flood Insurance Rate Map, City and County of San Francisco, California, Panel 120A, September 21, 2007, available on the Internet at <http://sfgsa.org/index.aspx?page=828>, accessed February 27, 2014; San Francisco Interim Citywide Floodplain Map, Final Draft, July 2008, available on the internet at: <http://sfgsa.org/Modules/ShowDocument.aspx?documentid=1761>. Accessed February 27, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2010.0515E.

## 6.7.2 Coastal Barrier Resources Act/Coastal Barrier Improvements Act—24 CFR 58.6(c)

The Coastal Barrier Resources Act of the United States (Public Law 97-348), enacted October 18, 1982, designated various undeveloped coastal barriers, depicted by a set of maps adopted by law, for inclusion in the John H. Chafee Coastal Barrier Resources System (CBRS). Designated areas were made ineligible for direct or indirect federal national security, navigability, and energy exploration. CBRS areas extend along the coasts of the Atlantic Ocean and the Gulf of Mexico, Puerto Rico, the U.S. Virgin Islands, and the Great Lakes, and consist of 857 units. There are no Coastal Barrier Resources in California.<sup>12</sup>

## 6.7.3 Airport Runway Clear Zone or Clear Zone Disclosure—24 CFR 58.6(d)

As described in Section 4.18, *Hazards and Hazardous Materials*, the Project site is not within an Airport Runway Clear Zone.<sup>13</sup>

## 6.7.4 Wetland Protection—Executive Order 11990

Executive Order 11990, Protection of Wetlands, applies to any action proposed for construction in a wetland. It requires that new construction in wetlands be avoided wherever there is a practicable alternative.

As described in Section 5.15, *Biological Resources*, under Impact BI-3, wetlands or waters of the United States or of the State do not occur within the Project site.<sup>14</sup>

## 6.7.5 Coastal Zone Management Act, 1972, 207(c) and (d)

The Coastal Management Zone applies to any proposed activity affecting areas covered by an approved coastal zone management plan. It requires that projects be consistent with coastal zone program.

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<sup>12</sup> United States Fish & Wildlife Service. *Coastal Barrier Resource System*. available Online: <http://www.fws.gov/cbra/Act/index.html#CBRS>, accessed February 27, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2010.0515E.

<sup>13</sup> City/County Association of Governments of San Mateo County, *Comprehensive Land Use Compatibility Plan for the Environs of San Francisco International Airport*, available online: [http://www.ccag.ca.gov/pdf/plans-reports/2012/Consolidated\\_CCAG\\_ALUCP\\_10-29-12.pdf](http://www.ccag.ca.gov/pdf/plans-reports/2012/Consolidated_CCAG_ALUCP_10-29-12.pdf), October 2012. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2010.0515E.

<sup>14</sup> U.S. Fish and Wildlife Service. Publication date (found in metadata). National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. <http://www.fws.gov/wetlands/Data/Mapper.html>. Accessed February 27, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2010.0515E.

The San Francisco Bay Conservation and Development Commission (BCDC) has permit authority over San Francisco Bay and lands located within 100 feet of the Bay shoreline. BCDC's San Francisco Bay Plan is the Coastal Zone Management Program for the San Francisco Bay Segment of the California Coastal Zone Management Program, pursuant to the Federal Coastal Zone Management Act (CZMA).<sup>15</sup> Under the CZMA, projects requiring federal approval or funding must, to the maximum extent practicable, be consistent with a state's coastal management program if the project would affect the coastal zone.

The Project site is located more than 100 feet from the Bay shoreline, and therefore is not within BCDC jurisdiction, and no formal finding of consistency with the San Francisco Bay Plan is required.

### **6.7.6 Historic Preservation Act—36 CFR 800**

Section 106 of the Historic Preservation Act enacted under 36 CFR 800 requires that the determinations made regarding each listed statute, executive order, or regulation be recorded and appropriate source documentation provided.

Compliance with Section 106 is described in Section 5.6, *Cultural and Paleontological Resources*. Applicable consultations and responses are included in Appendix 4.6.

### **6.7.7 Floodplain Management—Executive Order 11988; 24 CFR 55**

The Flood Disaster Protection Act of 1973 (Public Law 93-291) and implementing regulations—the National Flood Insurance Program (44 CFR 59–79) and Executive Order 11988 (24 CFR 55)—require avoidance of direct or indirect support of floodplain development wherever there is a practicable alternative.

As stated in Section 5.17, *Hydrology and Water Quality*, the Proposed Project is not within a floodplain.<sup>16</sup> The Proposed Project would comply with Executive Order 11988.

### **6.7.8 Sole Source Aquifers—40 CFR 149**

Sole source aquifer regulations enacted as 40 CFR 149 apply to federally assisted projects that may contaminate an aquifer designated by the U.S. Environmental Protection Agency (USEPA) as the

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<sup>15</sup> San Francisco Bay Conservation and Development Commission. San Francisco Bay Plan. Adopted in 1968. Reprinted in January 2007. [http://www.bcdc.ca.gov/laws\\_plans/plans/sfbay\\_plan.shtml](http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan.shtml). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2010.0515E.

<sup>16</sup> Federal Emergency Management Agency, Preliminary Flood Insurance Rate Map, City and County of San Francisco, California, Panel 120A, September 21, 2007, available on the Internet at <http://sfgsa.org/index.aspx?page=828>, accessed February 27, 2014; San Francisco Interim Citywide Floodplain Map, Final Draft, July 2008, available on the internet at: <http://sfgsa.org/Modules/ShowDocument.aspx?documentid=1761>. Accessed February 27, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2010.0515E.

sole source of drinking water for a community. It also prohibits financial assistance of projects which USEPA determines may contaminate a designated sole source aquifer.

As stated in Section 5.17, *Hydrology and Water Quality*, the Proposed Project is not served by a USEPA-designated sole-source aquifer watershed.<sup>17</sup>

### **6.7.9 Endangered Species Act—50 CFR 402**

The Proposed Project's compliance with the Endangered Species Act is documented in Section 5.15, *Biological Resources*, under Impacts BI-1 and BI-2.

### **6.7.10 Wild and Scenic Rivers—16 U.S. Code 1271.7(b),(c)**

Sections 7 (b), (c) apply to rivers designated under the Wild and Scenic Rivers Act and proposed activities affecting rivers on the nationwide inventory of potential wild, scenic and recreational rivers. It requires assurance that federal actions do not foreclose designation under the Wild and Scenic Rivers Act.

The National Wild and Scenic Rivers System protects rivers designated for their wild, scenic, or recreational values. As stated in Section 5.15, *Biological Resources*, the city does not contain wild or scenic rivers.<sup>18</sup>

### **6.7.11 Clean Air Act—40 CFR 6, 40 CFR 51, and 40 CFR 93**

Clean Air Act, Sections 176(c) and (d), and 40 CFR 6, 51, 93 apply to all federal actions. Federal actions must conform to the State Implementation Plan.

As stated in Section 5.9, *Air Quality*, the Proposed Project would comply with the Clean Air Act through the implementation of multiple mitigation measures.

### **6.7.12 Farmland Protection Policy Act—7 CFR 658**

The Farmland Protection Policy Act (7 CFR 658) applies to any federally assisted action that encourages the conversion of prime, unique, state/locally important farmlands. Compliance requires that the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses be minimized.

The Farmland Protection Policy Act discourages federal activities that would convert farmland to nonagricultural purposes. Prime and important farmland includes all land that is defined as prime,

<sup>17</sup> USEPA, Region 9, Sole-Source Aquifer Information, <http://www.epa.gov/region9/water/groundwater/ssa.html>, (accessed December 3, 2012).

<sup>18</sup> United States Forest Service. *National Wild and Scenic Rivers System: September 2009* (Map), United States Department of Agriculture, available online: <http://www.rivers.gov/maps/conus-150.pdf>, accessed February 27, 2014.

unique, or farmlands of statewide or local importance. As stated in Section 5.20, *Agricultural and Forest Resources*, the Project site is not designated as prime or important farmland according to the California Farmland Mapping and Monitoring Program.<sup>19</sup>

### **6.7.13 Environmental Justice—Executive Order 12898**

Executive Order 12898 states that federal agencies shall identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

The Proposed Project's compliance with Executive Order 12898 is documented in Section 5.5, *Environmental Justice*.

### **6.7.14 Noise Abatement and Control—24 CFR 51B**

24 CFR 51 B applies to HUD requirements related to noise and contains standards for exterior noise levels along with policies for approving HUD-supported or -assisted housing projects in high noise areas. The requirements establish three zones: an acceptable zone where all projects could be approved, a normally unacceptable zone where mitigation measures would be required and where each project would have to be individually evaluated for approval or denial, and an unacceptable zone in which projects would not as a rule be approved. HUD's regulations also require that recipients of Community Development Block Grant or HOME funds take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise-sensitive land developments are proposed in noise-exposed areas.<sup>20</sup>

The project's compliance with exterior noise levels requirements are described in Section 5.8, *Noise*, under Impact NO-1. The Proposed Project would meet HUD standards.

### **6.7.15 Explosive and Flammable Operations—24 CFR 51C**

Explosive and Flammable Operations regulations enacted as 24 CFR 51C state that HUD will not approve an application for assistance for a proposed project located at less than the acceptable separation distance (ASD) from a hazard unless appropriate mitigation measures are implemented or are already in place.

As stated in Section 5.18, *Hazards and Hazardous Materials*, according to the State of California's GeoTracker database, there is a Department of Toxic Substances Control (DTSC) cleanup site at 890

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<sup>19</sup> California Department of Conservation (DOC). *San Francisco Bay Area Important Farmland*, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, Important Farmland in California (2010, map published July 2013), [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/regional/2010/bay\\_area\\_fmmp2010.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/regional/2010/bay_area_fmmp2010.pdf) (accessed February 27, 2014).

<sup>20</sup> HUD, Noise Abatement and Control, 24 CFR, Part 51, Subpart B.

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Pennsylvania Avenue.<sup>21</sup> The site at 890 Pennsylvania Avenue (ID# 38400002) contains an above-ground storage tank.<sup>22,23</sup> No other facilities or hazardous operations were noted. This facility is located approximately 600 linear feet east of the Project site's closest border. In accordance with 24 CFR 51(c), an ASD must be established for blast overpressure from explosive materials and thermal radiation from flammable materials. According to the HUD ASD Electronic Assessment Tool, the ASD for thermal radiation for people is 540.74 feet and for buildings is 105.81 feet.<sup>24</sup> The ASD is less than the distance between the site and the tank.

### **6.7.16 Toxic Chemicals and Radioactive Materials 24 CFR 58.5(i)(2)**

Regulations enacted as 24 CFR 58.5 (i)(2) apply to all actions and require minimization of impacts of environmental hazards on HUD-assisted activities: chemical and radioactive material, activities of flammable or explosive nature, aircraft hazards.

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<sup>21</sup> Gallon size was not available for the tanks. To be conservative in the analysis, 5,000 gallons is the assumed tank size.

<sup>22</sup> Pers Comm. Flannery, Eugene. San Francisco Major's Office of Housing. February 20, 2014.

<sup>23</sup> California Regional Water Boards. 2014. GeoTracker. Available:

<<http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=1101+Connecticut+Street+San+Francisco+5332>>. Accessed: March 3, 2014.

<sup>24</sup> U.S. Department of Housing and Urban Development. 2014. Acceptable Separation Distance (ASD) Electronic Assessment Tool. Available:

<[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/asdcalculator](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/asdcalculator)>. Accessed: March 3, 2014.

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## CHAPTER 7 Report Preparers

### 7.1 AGENCIES

#### 7.1.1 San Francisco Planning Department

Rachel Schuett, Environmental Coordinator

Nannie Turrell, Senior Environmental Planner

Joy Navarrete, Senior Environmental Planner

Mat Snyder, Citywide Planning, Design Guidelines, Entitlements and Approvals

Randall Dean, Archaeologist

Richard Sucre, Historic Preservation

Matt Weintraub, Historic Preservation

Rachel Schuett, Shadow Analysis Technical Specialist

Kevin Guy, Planning Code Section 295 Compliance

Jessica Range, Air Quality/GHG Technical Specialist

Brett Bollinger, Transportation Coordinator

Susan Mickelson, Transportation, Senior Review

Robb Kapla, Staff Counsel

#### 7.1.2 City and County of San Francisco Mayor's Office of Housing and Community Development

Eugene Flannery, Environmental Compliance Manager

#### 7.1.3 San Francisco Recreation and Park Department

Stacey Bradley, Department Liaison and Lead Technical Reviewer

Samantha Dolgoff, Technical Reviewer

## 7.2 CONSULTANTS

### 7.2.1 EIR/EIS Preparation

#### ■ ICF International

Erin Efner, Senior Project Manager

Jasmin Mejia, Deputy Project Manager

Torrey Edell, Biologist

Jillian Burns, Environmental Planner

Kirsten Chapman, Environmental Planner

Cory Matsui, Air Quality Specialist

Shannon Hatcher, Air Quality Specialist

Stephanie Monzon, Technical Editor

Kristen Lundstrom, Technical Editor

Debora Bartley, Technical Editor

Barbara Wolf, Technical Editor

Tim Messick, Graphic Specialist

Jenelle Mountain-Castro, Publications Specialist

Deborah Jew, Publication Specialist

Corrine Ortega, Publications Specialist

Anthony Ha, Publications Specialist

## ■ Atkins

Erin Efner, Senior Project Manager

Kimberly Comacho, Deputy Project Manager

Kirsten Chapman, Environmental Analyst

Alice Tackett, Senior Scientist

Chris Shields, Noise Specialist

Matthew Berke, Environmental Analyst

Heather Dubois, Air Quality Specialist

Richard Brandi, Architectural Historian

## 7.2.2 Subconsultants

### ■ CDM Smith (Transportation)

Bhanu P. Kala, PE, TE, Project Manager

### ■ CADP (Shadow)

Adam Noble

### ■ ENGEO Incorporated

Brian Flaherty, CEG

Donald E. Bruggers, GE

### ■ SCS Engineers

Daniel E. Johnson, Vice President

Ryan T. Marcos, CAC, Project Manager

Cristobal A. Ramirez, Staff Professional

### ■ LEE Incorporated

Ellen LEE, P.E., Principal

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