



# SAN FRANCISCO PLANNING DEPARTMENT

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1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

## Community Plan Exemption Checklist

*Case No.:* 2014.0599E  
*Project Address:* 540-552 De Haro Street  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 4008/002  
*Lot Size:* 10,000 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan (Showplace Square/Potrero Hill)  
*Project Sponsor:* Aaron Schlechter, (415) 988-1080  
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### PROJECT DESCRIPTION

The project site is located on a steeply sloped lot on the west side of De Haro Street between Mariposa and 18th streets in the Potrero Hill neighborhood. The project site is currently occupied by a 22-foot-tall, two-story, industrial building approximately 7,147 square feet in size with two off-street loading spaces. The existing building was constructed in 1975 and the present use of the building is motorcycle repair service. The proposed project involves the demolition of the existing building and construction of a 40-foot-tall (56-foot-tall with elevator and stair penthouses), four-story, 17-unit, residential building approximately 33,750 square feet in size. The proposed mix of units would be four one-bedroom units and 13 two-bedroom units. The proposed building would also include 16 parking spaces and 17 Class 1 bicycle spaces at the partially below-grade ground floor level. Pedestrian and vehicular access would be from De Haro Street. The proposed project would include a 1,480-square-foot common roof deck at the 5<sup>th</sup> level, and five units would each have a private terrace, totaling approximately 1,340 square feet. During the approximately 12-month construction period, the proposed project would require up to approximately 32 feet of excavation below ground surface and 4,000 cubic yards of soil disturbance. The project site is located within the Showplace Square/Potrero Hill area of the Eastern Neighborhoods Plan Area.

### PROJECT APPROVAL

The proposed project at 540-552 De Haro Street would require the following approvals:

#### Actions by the Planning Commission

- Approval of a Large Project Authorization from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 25,000 gross square feet.

#### Actions by other City Departments

- Approval of a Site Mitigation Plan from the San Francisco Department of Public Health prior to the commencement of any excavation work; and

- Approval of Building Permits from the Department of Building Inspections for demolition and new construction.

The Large Project Authorization hearing before the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist evaluates whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods PEIR).<sup>1</sup> The CPE Checklist indicates whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such impacts are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under the Mitigation Measures Section at the end of this checklist.

The Eastern Neighborhoods PEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to land use, transportation, and cultural resources. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant except for those related to land use (cumulative impacts on PDR use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven Muni lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

The proposed project involves the demolition of the existing building and construction of a 40-foot-tall, four-story, 17-unit, residential building approximately 33,750 square feet in size. The proposed mix of units would be four one-bedroom units and 13 two-bedroom units. The proposed building would include 16 parking spaces and 17 bicycle spaces at the partially below-grade ground floor level. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

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<sup>1</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

Figure 1. Project Location

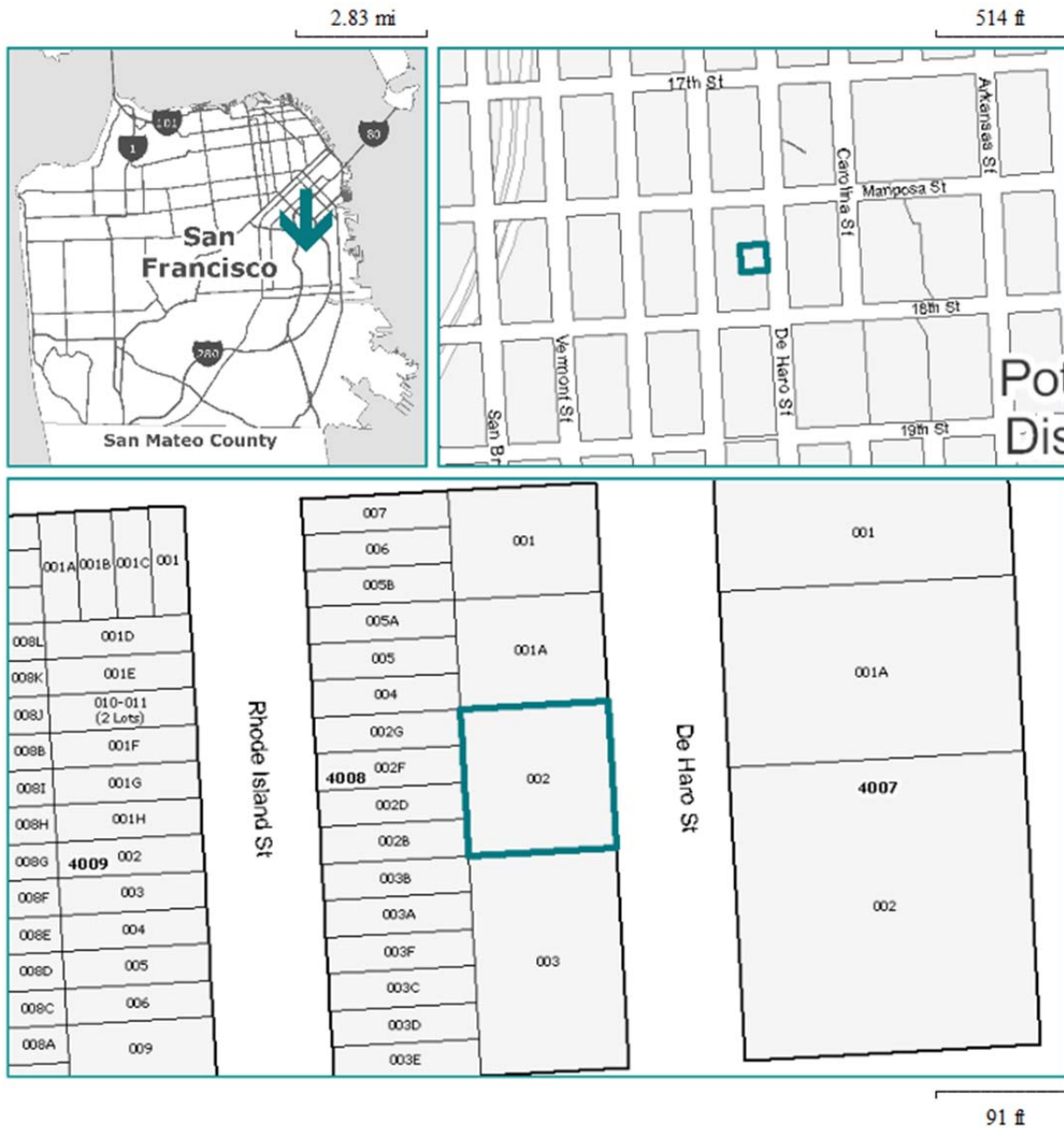
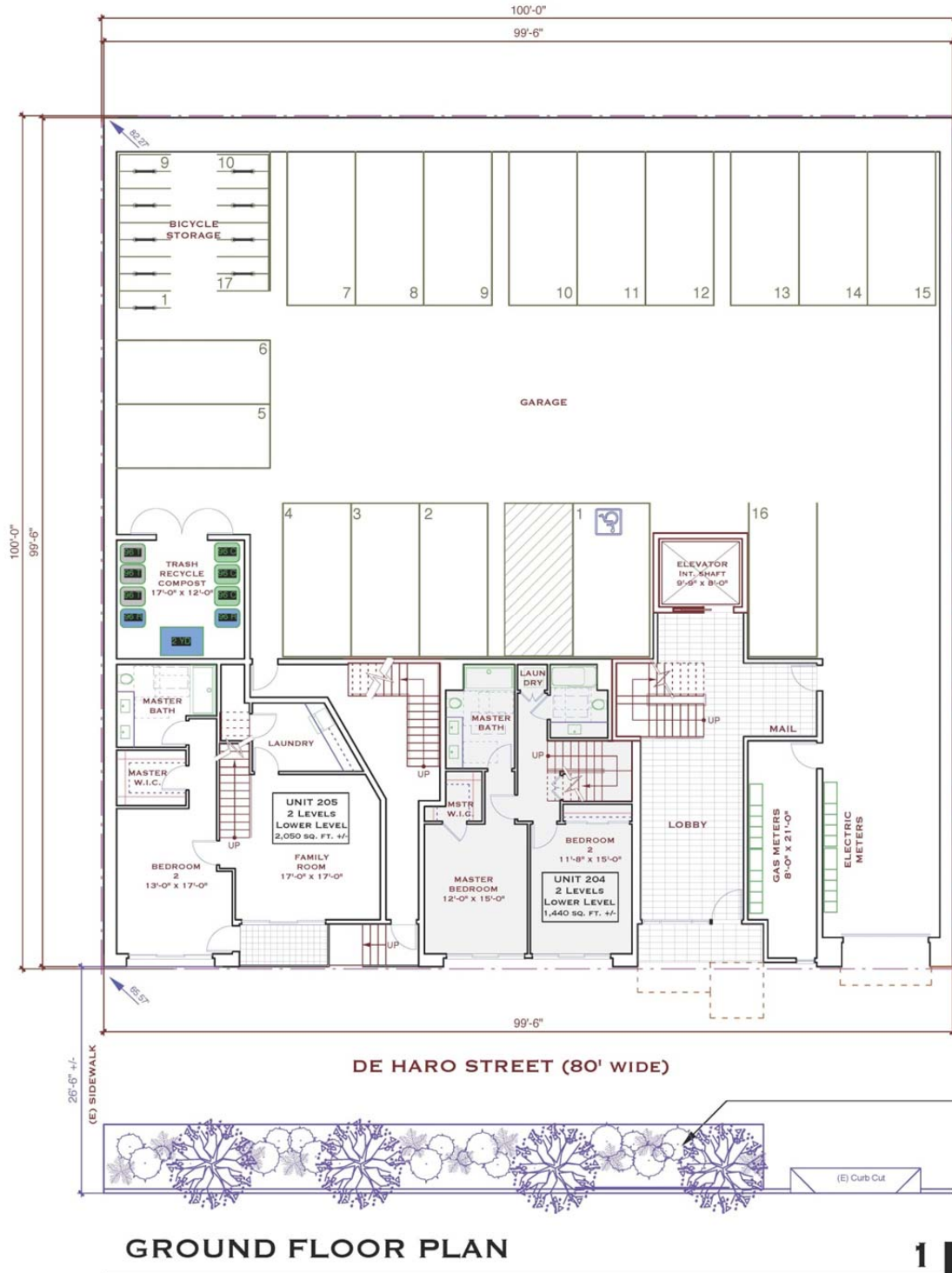




Figure 3: Ground Floor Plan



**GROUND FLOOR PLAN**

**1**

Figure 4. Proposed Upper Floor Plan



Figure 5. Proposed Roof Plan

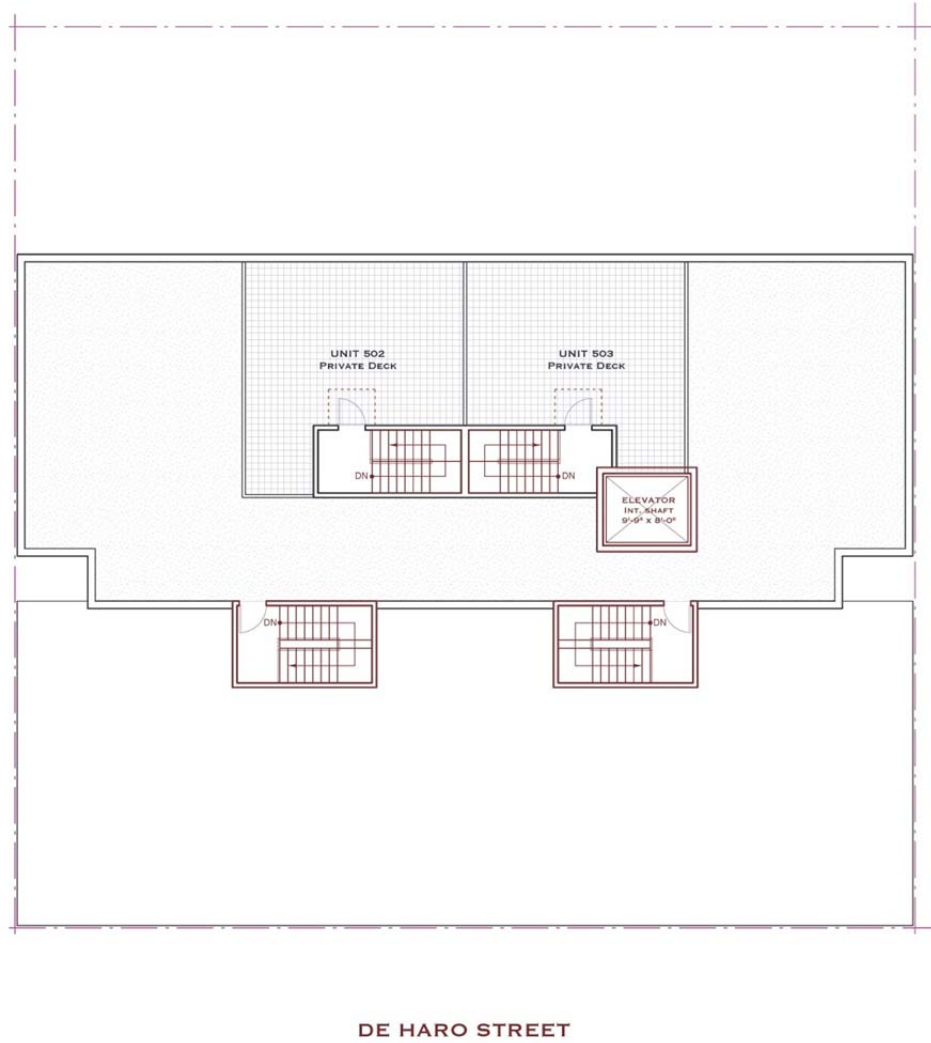


Figure 6. Proposed Front Elevation





**AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT**

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet 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 three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>2</sup> The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes, in the Transportation and Circulation Section.

| <i>Topics:</i>  | <i>Significant<br/>Impact Peculiar<br/>to Project or<br/>Project Site</i> | <i>Significant<br/>Impact not<br/>Identified in PEIR</i> | <i>Significant<br/>Impact due to<br/>Substantial New<br/>Information</i> | <i>No Significant<br/>Impact not<br/>Previously<br/>Identified in PEIR</i> |
|---|---|--|--|--|
| <b>1. LAND USE AND LAND USE PLANNING – Would the project:</b>   |   |  |  |  |
| a) Physically divide an established community?  | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" 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 type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| c) Have a substantial impact upon the existing character of the vicinity?   | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |

The Eastern Neighborhoods PEIR determined that adoption of the Area Plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. The project site at 540-552 De Haro Street currently contains approximately 7,147 square feet of PDR space in a two-story industrial building. The proposed project would demolish all of the PDR square footage on the site in order to construct a new residential building. The proposed project would result in a net loss of approximately 7,147 square feet of PDR space within the Eastern Neighborhoods. Such loss of PDR space and the related contribution to significant unavoidable cumulative land use impacts, including those of the proposed project, were anticipated and analyzed in the Eastern Neighborhoods PEIR. As part of the Eastern

<sup>2</sup> San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 540-552 De Haro Street, January 23, 2015. This document, and other cited documents, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014.0599E.

Neighborhoods program, the project site was rezoned from RH-2<sup>3</sup> (Residential, House, Two Family) to UMU (Urban Mixed-Use), which is a zone that allows PDR uses but encourages a mix of uses including residential. Since the former zoning district of RH-2 did not allow for PDR uses, the rezone did not cause a loss of PDR. Furthermore, the 10,000-square-foot project site is too small to contribute considerably to the loss of PDR. Therefore, the proposed project would not contribute to the significant cumulative land use impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR.

The Eastern Neighborhoods PEIR determined that implementation of the Area Plans would not create any new physical barriers in the Eastern Neighborhoods because the rezoning and Area Plans do not provide for any new major roadways, such as freeways that would disrupt or divide the project area or individual neighborhoods or subareas.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the UMU District and is consistent with applicable bulk, density, and land uses as envisioned in the Showplace Square/Potrero Hill Area Plan. The proposed project falls within the “Potrero Hill Residential Area” generalized zoning district, which encourages smaller scale housing, and the “16<sup>th</sup> – 17<sup>th</sup> Street Corridor” district, which encourages increased housing density mixed with existing PDR uses. As a small-scale residential building, the proposed project is consistent with this designation.<sup>4,5</sup> The proposed project would not conflict with any applicable land use plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

For these reasons, implementation of the proposed project would not result in either project-level or cumulative significant impacts that were not identified in the Eastern Neighborhoods PEIR related to land use and land use planning, and no mitigation measures are necessary.

| Topics:   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?   | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

<sup>3</sup> The RH-2 zoning district does not allow PDR uses. The present use at the project site is a legal non-conforming use.

<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 540-552 De Haro Street, March 6, 2015.

<sup>5</sup> Joslin, Jeff, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 540-552 De Haro Street, March 17, 2015.

One of the objectives of the Eastern Neighborhoods Area Plans is to identify appropriate locations for housing in the City’s industrially zoned land to meet the citywide demand for additional housing. The PEIR concluded that an increase in population in the Plan Areas is expected to occur as a secondary effect of the proposed rezoning and that any population increase would not, in itself, result in adverse physical effects, but would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City’s Transit First policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the Area Plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

Implementation of the proposed project would result in 17 new residential units which would increase the number of residents living within the Showplace Square/Potrero Hill area of the Eastern Neighborhoods. These direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the Showplace Square/Potrero Hill Area Plan and evaluated in the Eastern Neighborhoods PEIR.

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts on population and housing that were not identified in the Eastern Neighborhoods PEIR.

| <u>Topics:</u>  | <i>Significant<br/>Impact Peculiar<br/>to Project or<br/>Project Site</i> | <i>Significant<br/>Impact not<br/>Identified in PEIR</i> | <i>Significant<br/>Impact due to<br/>Substantial New<br/>Information</i> | <i>No Significant<br/>Impact not<br/>Previously<br/>Identified in PEIR</i> |
|---|---|--|--|--|
| <b>3. CULTURAL AND PALEONTOLOGICAL 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 Planning Code? | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?   | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| c) 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"/>  |
| d) Disturb any human remains, including those interred outside of formal cemeteries?  | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |

**Historic Architectural Resources**

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse changes on the significance of both individual historical resources and on

historical districts within the Plan Areas. The PEIR determined that approximately 32 percent of the known or potential historical resources in the Plan Areas could potentially be affected under the preferred alternative. The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

The PEIR identified three mitigation measures that were tasked to the Planning Department that could reduce the severity of impacts to historic resources as a result of development enabled under the Plan Areas (Mitigation K-1 to K-3). These mitigation measures were the responsibility of the Planning Department and do not apply to subsequent development projects. Demolition or substantial alteration of a historic resource typically cannot be fully mitigated; therefore, the PEIR concluded that the Eastern Neighborhoods Area Plan would have a significant and unavoidable impact on historic resources.

Specific to the project site, the existing building was included in the *Showplace Square/Northeast Mission Historic Resource Survey* conducted as part of the Eastern Neighborhoods Rezoning and Area Plans. The 540-552 De Haro Street building was given the rating of 6Z ("Found ineligible for National Register, California Register, or Local designation through survey evaluation").<sup>6</sup> As such, the subject property would not be considered a historic resource pursuant CEQA and its demolition would not result in a significant impact. In addition, the project site is not located within a known or eligible historic district nor adjacent to any historic building as identified in the results of the *Showplace Square/Northeast Mission Historic Resource Survey*.

Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

For these reasons, the proposed project would not result in significant project-level or cumulative impacts on historic architectural resources that were not identified in the Eastern Neighborhoods PEIR.

### **Archeological Resources**

The Eastern Neighborhoods PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less than significant level. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

The proposed project would involve up to approximately 32 feet of excavation below ground surface and approximately 4,000 cubic yards of soil disturbance in an area where no previous archeological studies have been prepared. Therefore, the proposed project would be subject to Mitigation Measure J-2 (Project Mitigation Measure 1). In accordance with Mitigation Measure J-2, a Preliminary Archeological Review (PAR) was conducted by Planning Department staff archeologists, which determined that the proposed

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<sup>6</sup> San Francisco Planning Department, *Summary Database of the Showplace Square/Northeast Mission Survey*. May 2011.

project would not adversely affect archeological resources because the project site is underlain with bedrock.<sup>7</sup>

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts on archeological resources that were not identified in the Eastern Neighborhoods PEIR.

| <i>Topics:</i>  | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?   | <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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction. As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the Eastern Neighborhoods PEIR.

However, the Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership, and identified 11 transportation mitigation measures. Even with mitigation, however, it was anticipated that the significant adverse

<sup>7</sup> Randall Dean, San Francisco Planning Department, Archeological Log.

cumulative traffic impacts and the cumulative impacts on transit lines could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, the Community Plan Exemption Checklist topic 4c is not applicable.

### Trip Generation

The proposed project involves the demolition of the existing building and construction of a 40-foot-tall, four-story, 17-unit, residential building approximately 33,750 square feet in size. The proposed mix of units is four one-bedroom units and 13 two-bedroom units. The proposed building would include 16 parking spaces and 17 bicycle spaces at the partially below-grade ground floor level. Pedestrian and vehicular access would be from De Haro Street

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>8</sup> The proposed project would generate an estimated 160 person trips (inbound and outbound) on a weekday daily basis, consisting of 102 person trips by auto, 31 transit trips, 9 walk trips and 18 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 16 vehicle trips (accounting for vehicle occupancy data for this Census Tract).

### Traffic

The proposed project's vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The intersections near the project site (within approximately 2,500 feet) that were analyzed in the Eastern Neighborhoods PEIR include Rhode Island St./16<sup>th</sup> St., Potrero Ave./16<sup>th</sup> St., Mariposa St./I-280 NB off-ramp, Mariposa St./I-280 SB off-ramp, Division St./King St./De Haro St., and Rhode Island St./Division St. intersections. Table 1 provides existing and cumulative LOS data gathered for these intersections, per the *Eastern Neighborhoods Rezoning and Area Plans Transportation Study*.<sup>9</sup>

**Table 1**

| <u>Intersection</u>                   | <u>Existing LOS (2007)</u> | <u>Cumulative LOS (2025)</u> |
|---------------------------------------|----------------------------|------------------------------|
| Rhode Island St./16 <sup>th</sup> St. | C                          | F                            |
| Potrero Ave./16 <sup>th</sup> St      | B                          | F                            |
| Mariposa St./I-280 NB off-ramp        | C                          | D                            |
| Mariposa St./I-280 SB off-ramp        | F                          | B                            |
| Division St./King St./De Haro St.     | A                          | F                            |
| Rhode Island St./Division St.         | B                          | F                            |

Sources: *Eastern Neighborhoods Rezoning and Area Plans Transportation Study (2007)*

<sup>8</sup> San Francisco Planning Department, Transportation Calculations for 540-552 De Haro Street, January 8, 2015.

<sup>9</sup> The *Eastern Neighborhoods Rezoning and Area Plans Transportation Study* is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2004.0160E.

The proposed project would generate an estimated 16 new p.m. peak hour vehicle trips that could travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated 16 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' Plan projects. The proposed project would also not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative traffic impacts.

For the above reasons, the proposed project would not result in significant impacts on traffic that were not identified in the Eastern Neighborhoods PEIR.

### **Transit**

The project site is located within a quarter mile of several local transit lines including 19-Polk, 10-Townsend, 22-Fillmore, 9A-San Bruno A Express, 9B-San Bruno B Express, 9X-San Bruno Express, 14X-Mission, and 48-Quintara/24<sup>th</sup> Street. The proposed project would be expected to generate 31 daily transit trips, including five during the p.m. peak hour. Given the availability of nearby transit, the addition of five p.m. peak hour transit trips would be accommodated by existing capacity. As such, 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 on transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines: 9-San Bruno, 22-Fillmore, 26-Valencia, 27-Bryant, 33-Stanyan, 48-Quintara/24<sup>th</sup> Street, and 49-Van Ness/Mission. Of those lines, the project site is located within a quarter-mile of Muni lines 9-San Bruno, 22-Fillmore and 48-Quintara/24<sup>th</sup> Street. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in the Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to remain significant and unavoidable and a Statement of Overriding Considerations related to the significant and unavoidable cumulative transit impacts was adopted as part of the PEIR Certification and Plan.

The proposed project would not contribute considerably to these conditions as its minor contribution of five p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. Thus, the proposed project would not contribute considerably to 2025 cumulative transit conditions and would not result in any significant cumulative transit impacts.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to transit and would not contribute considerably to cumulative transit impacts that were identified in the Eastern Neighborhoods PEIR.

## Parking

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet 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 three criteria and thus, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.<sup>10</sup> The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, the following parking demand analysis is provided for informational purposes only.

The parking demand for the new residential uses associated with the proposed project was determined based on the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking would be for an estimated 24 spaces. The proposed project would provide 16 off-street spaces. Thus, as proposed, the project would have an unmet parking demand of an estimated eight spaces. At this location, the unmet parking demand could be accommodated within existing on-street parking spaces within a reasonable distance of the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities such as transit lines 19-Polk, 10-Townsend, 22-Fillmore, 9A-San Bruno A Express, 9B-San Bruno B Express, 9X-San Bruno Express, 14X-Mission, and 48-Quintara/24<sup>th</sup> Street, and bicycle routes 25, 40, and 123. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays would be created.

Further, the project site is located in a UMU zoning district where under Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking spaces. It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit rich area, the Planning Commission may not support the provision of any off-street parking spaces. This is, in part, owing to the fact that the parking spaces are not ‘bundled’ with the residential units. In other words, residents would have the option to rent or purchase a parking space, but one would not be automatically provided with the residential unit.

If the project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of an estimated 24 spaces. As mentioned above, the unmet parking demand could be accommodated within existing on-street parking spaces nearby and through alternative modes such as public transit and bicycle facilities. Given that the unmet demand could be met by existing facilities and given that the proposed project site is well-served by transit and bicycle facilities, a

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<sup>10</sup> San Francisco Planning Department, Transit-Oriented Infill Project Eligibility Checklist for 540-552 De Haro Street, January 23, 2015.



reduction in the number of off-street parking spaces associated with the proposed project, even if no off-street spaces are provided, would not result in significant delays or hazardous conditions.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City’s “Transit First” policy and numerous San Francisco General Plan Policies, including those in the Transportation Element. The City’s Transit First Policy, established in the City’s Charter Article 8A, Section 8A.115, provides that “parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation.”

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

| <u>Topics:</u>  | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|---|---|--|--|--|
| <b>5. NOISE – Would the project:</b>  |   |  |  |  |
| a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

| <u>Topics:</u>   | <i>Significant<br/>Impact Peculiar<br/>to Project or<br/>Project Site</i> | <i>Significant<br/>Impact not<br/>Identified in PEIR</i> | <i>Significant<br/>Impact due to<br/>Substantial New<br/>Information</i> | <i>No Significant<br/>Impact not<br/>Previously<br/>Identified in PEIR</i> |
|--|---|--|--|--|
| c) Result in 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 type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| d) Result in 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 type="checkbox"/>   | <input checked="" 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 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 checked="" type="checkbox"/>  |
| g) Be substantially affected by existing noise levels?   | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |

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

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures. The proposed project would utilize a mat building foundation that does not necessitate the use of pile-driving and therefore Mitigation F-1 would not be applicable to the project. The project site contains on-site bedrock exposures that would be removed with construction of the proposed project. Since the proposed project could generate excessive noise during construction, Mitigation Measure F-2 is applicable, which includes site-specific noise attenuation measures and has been agreed to by the project sponsor as Project Mitigation Measure 2 (full text provided in the “Mitigation Measures” section below).

In addition, all construction activities for the proposed project (approximately 12 months) would be subject to and would comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5

dBa, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 12 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

Eastern Neighborhoods PEIR Mitigation Measures F-3 and F-4 require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn). The proposed project would add noise sensitive uses (dwelling units) in an area where street noise levels exceed 60 dBA (Ldn). Therefore, Mitigation Measures F-3 and F-4 apply to the proposed project, and have been agreed to be implemented by the project sponsor as Project Mitigation Measures 3 and 4, respectively (full text provided in the "Mitigation Measures" section below). Accordingly, the project sponsor has conducted an environmental noise study.<sup>11</sup> The study concluded that outdoor noise levels reach 65.4 dBA (Ldn) along the street frontage of the project site. To meet the 45 dBA interior noise level, the noise study provided the following recommendations: (1) the exterior building shell must provide minimum sound ratings of Sound Transmission Class (STC) 25 and STC 28 depending on the orientation; (2) the exterior windows should provide the minimum sound ratings of STC 28 to 25 depending on the orientation; (3) supplemental mechanical ventilation should be provided for the windows along the De Haro Street facade to allow the windows to be closed if desired. The noise study demonstrated that the proposed project can feasibly attain an acceptable interior noise level of 45 dBA in all dwelling units.

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include new noise-generating uses that would be expected to generate noise levels in excess of ambient noise in the proposed project site vicinity. The proposed residential project would introduce new noise sensitive uses, but is not expected to generate excessive noise levels. In addition, any noise generated by the project including mechanical equipment would be subject to noise control requirements pursuant to the Noise Ordinance. Thus, Mitigation Measure F-5 does not apply to the project.

Mitigation Measure F-6 addresses impacts from existing ambient noise levels on open space required under the Planning Code for new development that includes noise sensitive uses. The proposed project includes residential units with rooftop outdoor open space as required by the Planning Code. Mitigation Measure F-6 is therefore applicable to the proposed project, and has been agreed to by the project sponsor as Project Mitigation Measure 4 (full text provided in the "Mitigation Measures" section below). The noise study prepared in accordance with Mitigation Measure F-4 (Project Mitigation Measure 4) addressed noise levels at the proposed rooftop open space, and concluded that due to orientation, height

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<sup>11</sup> Walsh, Norris & Associates, Architectural Acoustics, Exterior Noise Evaluation, 540 De Haro Street, San Francisco, CA, May 29, 2014.

and shielding of the exterior ambient noise levels, ambient noise levels on the rooftop would be below 60 dBA (Ldn) and would not limit the enjoyment of the open space.<sup>12</sup>

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, topic 12e and f from the CEQA Guidelines, Appendix G is not applicable.

For the above reasons, the proposed project would not result in significant project-level or cumulative noise impacts that were not identified in the Eastern Neighborhoods PEIR.

| <i>Topics:</i>   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| <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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| d) Expose sensitive receptors to substantial pollutant concentrations?   | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| e) Create objectionable odors affecting a substantial number of people?  | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>13</sup> as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, PEIR Mitigation Measure G-2 addresses the siting of sensitive land uses near sources of TACs and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.

<sup>12</sup> Ibid.

<sup>13</sup> The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

**Construction Dust Control**

Eastern Neighborhoods PEIR Mitigation Measure G-1 Construction Air Quality requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by DBI. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping and other measures.

The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure G-1. Therefore, the portion of PEIR Mitigation Measure G-1 Construction Air Quality that addresses dust control is no longer applicable to the proposed project.

**Criteria Air Pollutants**

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for individual projects.”<sup>14</sup> The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria<sup>15</sup> for determining whether a project’s criteria air pollutant emissions 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. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria, as the proposed project involves the construction of a four-story, 17-unit residential building which is well below the criteria air pollutant screening sizes for an Apartment, Low-Rise Building (451 dwelling units for operational and 240 dwelling units for construction ). Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

**Health Risk**

Subsequent to certification of the Eastern Neighborhoods PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally 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

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<sup>14</sup> San Francisco Planning Department, Eastern Neighborhood’s Rezoning and Area Plans Final Environmental Impact Report. See page 346. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>. Accessed June 4, 2014.

<sup>15</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

Exposure Zone. The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

*Construction*

The project site is not located within an identified Air Pollutant Exposure Zone. Therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial and the remainder of Mitigation Measure G-1 that requires the minimization of construction exhaust emissions is not applicable to the proposed project.

*Siting Sensitive Land Uses*

The proposed project would include development of 17 residential units which is considered a sensitive land use for purposes of air quality evaluation. As discussed above, the ambient health risk to sensitive receptors from air pollutants is not considered substantial and Article 38 is not applicable to the proposed project. Therefore, PEIR Mitigation Measure G-2 Air Quality for Sensitive Land Uses is not applicable to the proposed project, and impacts related to siting of new sensitive land uses would be less than significant.

*Siting New Sources*

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-3 is not applicable. In addition, the proposed project would not include any sources that would emit DPM or other TACs. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-4 is not applicable and impacts related to siting new sources of pollutants would be less than significant.

**Conclusion**

For the above reasons, none of the Eastern Neighborhoods PEIR air quality mitigation measures are applicable to the proposed project and the project would not result in significant air quality impacts that were not identified in the PEIR.

| <i>Topics:</i>  | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|---|---|--|--|--|
| <b>7. GREENHOUSE GAS EMISSIONS—</b>   |   |  |  |  |
| <b>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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the Showplace Square/Potrero Hill Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO<sub>2</sub>E<sup>16</sup> per service population,<sup>17</sup> respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

Regulations outlined in San Francisco’s Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco’s GHG emissions have measurably reduced 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. The proposed project was determined to be consistent with San Francisco’s GHG Reduction Strategy.<sup>18</sup> Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project’s contribution to climate change. Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus the proposed project’s contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on greenhouse gas emissions (including cumulative impacts) beyond those analyzed in the Eastern Neighborhoods PEIR.

| <u>Topics:</u>   | <u>Significant Impact Peculiar to Project or Project Site</u> | <u>Significant Impact not Identified in PEIR</u> | <u>Significant Impact due to Substantial New Information</u> | <u>No Significant Impact not Previously Identified in PEIR</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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

**Wind**

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The proposed 40-foot-tall building (up to 56 feet including the stair and elevator penthouse) would be similar in height to the adjacent Church buildings

<sup>16</sup> CO<sub>2</sub>E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

<sup>17</sup> Memorandum from Jessica Range to Environmental Planning staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

<sup>18</sup> Greenhouse Gas Analysis: Compliance Checklist for 540-552 De Haro Street, January 23, 2015.

immediately to the north, as well as the three-story industrial building (Anchor Brewing Company) located across the street from the project site. For the above reasons, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

**Shadow**

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. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 of the Planning Code because certain parks are not subject to Section 295 of the Planning Code (i.e., under jurisdiction of departments other than the Recreation and Parks Department or privately owned). The Eastern Neighborhoods PEIR could not conclude that the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposed proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

In the absence of intervening buildings, the proposed project would have the potential to cast new shadow on Jackson Playground, which is located approximately two blocks to the northeast of the project site.<sup>19</sup> However, the existing Anchor Steam Brewery is located across the street to the east of the project site, and based on the shadow fan analysis, the Anchor Steam Brewery already shades the area that could be shadowed by the proposed building. Therefore, the proposed building is not expected to cast any new shadow on Planning Code Section 295 or non-Section 295 open spaces.

The proposed project would shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows upon 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 property 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 the above reasons, the proposed project would not result in significant project-level or cumulative impacts related to shadow that were not identified in the Eastern Neighborhoods PEIR.

| <u>Topics:</u>   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| <b>9. RECREATION – Would the project:</b>  |   |  |  |  |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated? | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

<sup>19</sup> Don Lewis, San Francisco Planning Department, Shadow Fan Analysis.



| <u>Topics:</u>  | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|---|---|--|--|--|
| b) 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| c) Physically degrade existing recreational resources?  | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

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

Because the proposed project would not degrade recreational facilities and is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional project-level or cumulative impacts on recreation beyond those analyzed in the Eastern Neighborhoods PEIR.

| <u>Topics:</u>   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| <b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>  |   |  |  |  |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?  | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?  | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional project-level or cumulative impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods PEIR.

| <i>Topics:</i> | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|----------------|---|--|--|--|
|----------------|---|--|--|--|

**11. PUBLIC SERVICES – Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional project-level or cumulative impacts on public services beyond those analyzed in the Eastern Neighborhoods PEIR.

| <i>Topics:</i> | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|----------------|---|--|--|--|
|----------------|---|--|--|--|

**12. BIOLOGICAL RESOURCES – Would the project:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

| <i>Topics:</i>   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?                   | <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 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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" 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 checked="" type="checkbox"/>                            |

As discussed in the Eastern Neighborhoods PEIR, the Eastern Neighborhoods Plan Area is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Plan Area that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Eastern Neighborhoods Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

The project site is located within Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Area Plan and therefore, does not support habitat for any candidate, sensitive or special status species. As such, implementation of the proposed project would not result in significant impacts to biological resources not identified in the Eastern Neighborhoods PEIR.

| <i>Topics:</i>   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| <b>13. GEOLOGY AND SOILS— Would the project:</b>   |   |  |  |  |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/>                                      | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

| <u>Topics:</u>   | <i>Significant<br/>Impact Peculiar<br/>to Project or<br/>Project Site</i> | <i>Significant<br/>Impact not<br/>Identified in PEIR</i> | <i>Significant<br/>Impact due to<br/>Substantial New<br/>Information</i> | <i>No Significant<br/>Impact not<br/>Previously<br/>Identified in PEIR</i> |
|--|---|--|--|--|
| 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 type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| iv) Landslides?  | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| 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 type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?  | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" 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 checked="" type="checkbox"/>  |
| f) Change substantially the topography or any unique geologic or physical features of the site?  | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |

The Eastern Neighborhoods PEIR concluded that implementation of the Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides. The PEIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area. Thus, the PEIR concluded that implementation of the Plan would not result in significant impacts with regard to geology, and no mitigation measures were identified in the Eastern Neighborhoods PEIR.

A geotechnical investigation was prepared for the proposed project.<sup>20</sup> The geotechnical report concluded that from a soil and foundation engineering standpoint, the site is suitable for the proposed construction, provided that the recommendations presented in the geotechnical report are incorporated into the design and construction of the proposed residential building. The proposed structure can be safely supported on spread footing foundations which extend through any surface soils and bear on the weathered Serpentine bedrock materials which underlie the site. The geotechnical report notes that during the clearing operations and subsequent grading at the site, care must be exercised to prevent damage to the existing

<sup>20</sup> Harold Lewis & Associates, Geotechnical Consultants, *Foundation Investigation Proposed Residential Building at 540 De Haro Street, San Francisco, California*. January 3, 2014.

adjacent buildings, especially when performing excavation for the footings next to the existing adjacent buildings to ensure that the soils and rock supporting the adjacent foundations are not disturbed. Free groundwater was not encountered in the nearby borings at the time of drilling, but the report states that fluctuations in groundwater levels at the site may occur due to variations in rain fall.

The project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. Therefore, potential damage to structures from geologic hazards such as landslide hazards and seismic stability of the project site would be addressed through the DBI requirement for a geotechnical or other subsurface report and review of the building permit application pursuant to its implementation of the Building Code.

In light of the above, the proposed project would not result in a significant impact related to seismic and geologic hazards and would not result in significant project-level or cumulative impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR. No mitigation measures are necessary.

| <u>Topics:</u>  | <i>Significant<br/>Impact Peculiar<br/>to Project or<br/>Project Site</i> | <i>Significant<br/>Impact not<br/>Identified in PEIR</i> | <i>Significant<br/>Impact due to<br/>Substantial New<br/>Information</i> | <i>No Significant<br/>Impact not<br/>Previously<br/>Identified in PEIR</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 type="checkbox"/>   | <input checked="" 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 type="checkbox"/>   | <input checked="" 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 type="checkbox"/>   | <input checked="" 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 type="checkbox"/>   | <input checked="" 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 type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| 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 checked="" type="checkbox"/>  |

| <u>Topics:</u>   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| 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 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 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 checked="" type="checkbox"/>                            |

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the PEIR.

The amount of impervious surface coverage on the project site would not change with implementation of the proposed project. As a result, the proposed project would not increase stormwater runoff.

Therefore, the proposed project would not result in any significant project-level or cumulative impacts related to hydrology and water quality that were not identified in the Eastern Neighborhoods PEIR.

| <u>Topics:</u>   | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" 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 type="checkbox"/>                                     | <input checked="" 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 checked="" type="checkbox"/>                           | <input type="checkbox"/>                         | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

| <u>Topics:</u>  | <i>Significant<br/>Impact Peculiar<br/>to Project or<br/>Project Site</i> | <i>Significant<br/>Impact not<br/>Identified in PEIR</i> | <i>Significant<br/>Impact due to<br/>Substantial New<br/>Information</i> | <i>No Significant<br/>Impact not<br/>Previously<br/>Identified in PEIR</i> |
|---|---|--|--|--|
| 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 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 type="checkbox"/>   | <input checked="" type="checkbox"/>  |
| h) Expose people or structures to a significant risk of loss, injury, or death involving fires?   | <input type="checkbox"/>  | <input type="checkbox"/>                                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  |

The Eastern Neighborhoods PEIR noted that implementation of any of the proposed project’s rezoning options would encourage construction of new development within the project area. The PEIR found that there is a high potential to encounter hazardous materials during construction activities in many parts of the project area because of the presence of 1906 earthquake fill, previous and current land uses associated with the use of hazardous materials, and known or suspected hazardous materials cleanup cases. However, the PEIR found that existing regulations for facility closure, Under Storage Tank (UST) closure, and investigation and cleanup of soil and groundwater would ensure implementation of measures to protect workers and the community from exposure to hazardous materials during construction.

**Hazardous Building Materials**

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce effects to a less-than-significant level. Because the proposed development includes demolition of the existing 7,147-square-foot industrial building on the project site, Mitigation Measure L-1 would apply to the proposed project. With implementation of this mitigation measure, the project’s impact related to hazardous building materials would be reduced to a less-than-significant level. See full text of Mitigation Measure L-1, as Project Mitigation Measure 6, in the Mitigation Measures Section below.

**Soil and Groundwater Contamination**

The proposed project, which is located with the mapped in Article 22A of the San Francisco Health Code, known as the Maher Ordinance, would involve up to approximately 32 feet of excavation below ground surface and approximately 4,000 cubic yards of soil disturbance.

Therefore, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor 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 would determine the potential for site contamination and level of exposure risk associated with the 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 agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to DPH<sup>21</sup> and a Phase I Environmental Site Assessment (ESA)<sup>22</sup> has been prepared to assess the potential for site contamination. The Phase I ESA states that the project site was originally developed in 1900 with a residential building, and the use of the project site remained residential or vacant until the existing structure was constructed in 1975. The original use of the current building was as a children's clothing manufacturer and the present use is motorcycle repair service. Along the western and southern property lines is hard Serpentine bedrock materials outcropping on the exposed cut-slopes (see further discussion below).

The proposed project would be required to remediate potential soil and groundwater contamination described above in accordance with Article 22A of the Health Code. Therefore, the proposed project would not result in any significant project-level or cumulative impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

### **Naturally Occurring Asbestos**

The proposed project would involve up to approximately 32 feet of excavation and approximately 4,000 cubic yards of soil disturbance within an area that is underlain by serpentine bedrock.

Therefore, the proposed project's construction would potentially release serpentinite into the atmosphere. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA) or tremolite-actinolite, a fibrous mineral that can be hazardous to human health if airborne emissions are inhaled. In the absence of proper controls, NOA could become airborne during excavation and handling of excavated materials. On-site workers and the public could be exposed to airborne asbestos unless appropriate control measures are implemented. Although the California Air Resources Board (ARB) has not identified a safe exposure level for asbestos in residential areas, exposure to low levels of asbestos for short periods of time poses minimal risk.<sup>23</sup> To address health concerns from exposure to NOA, ARB enacted an Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations in July 2001. The requirements established by the Asbestos ATCM are contained in California Code of Regulations (CCR) Title 17, Section 93105<sup>24</sup> and are enforced by the BAAQMD.

The Asbestos ATCM requires construction activities in areas where NOA is likely to be found to employ best available dust control measures. Additionally, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance in 2008 to reduce fugitive dust generated

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<sup>21</sup> Martita Weden, San Francisco Department of Public Health, Email to Don Lewis, 540 De Haro Street, January 23, 2015.

<sup>22</sup> John Carver Consulting, *Phase I Environmental Site Assessment at 540 De Haro Street, San Francisco, CA*, October 7, 2013.

<sup>23</sup> California Air Resources Board, Fact Sheet #1 Health Information on Asbestos, 2002. Available online at: <http://www.arb.ca.gov/toxics/Asbestos/1health.pdf>. Accessed August 18, 2014.

<sup>24</sup> California Air Resources Board, Operations, July 29, 2002.



during construction activities. The requirements for dust control as identified in the Construction Dust Control Ordinance are as effective as the dust control measures identified in the Asbestos ATCM. Thus, the measures required in compliance with the Construction Dust Control Ordinance would protect the workers themselves as well as the public from fugitive dust that may also contain asbestos. The project sponsor would be required to comply with the Construction Dust Control Ordinance, which would ensure that significant exposure to NOA would not occur. Therefore, the proposed project would not result in a hazard to the public or environment from exposure to NOA.

For the above reasons, the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

| <i>Topics:</i>  | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|---|---|--|--|--|
| <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 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 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 type="checkbox"/>                                     | <input checked="" type="checkbox"/>                            |

The Eastern Neighborhoods PEIR determined that the Area Plan would facilitate the construction of both new residential units and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. The Plan Area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the Area Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

| <u>Topics:</u>  | <i>Significant<br/>Impact Peculiar<br/>to Project or<br/>Project Site</i> | <i>Significant<br/>Impact not<br/>Identified in PEIR</i> | <i>Significant<br/>Impact due to<br/>Substantial New<br/>Information</i> | <i>No Significant<br/>Impact not<br/>Previously<br/>Identified in PEIR</i> |
|---|---|--|--|--|
| <b>17. AGRICULTURE AND FOREST RESOURCES:—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 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 checked="" type="checkbox"/>  |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?                                    | <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 checked="" type="checkbox"/>  |
| 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 checked="" type="checkbox"/>  |

The Eastern Neighborhoods PEIR determined that no agricultural resources exist in the Area Plan; therefore the rezoning and community plans would have no effect on agricultural resources. No mitigation measures were identified in the PEIR. The Eastern Neighborhoods PEIR did not analyze the effects on forest resources.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

**MITIGATION MEASURES**

**Archeological Resources**

***Project Mitigation Measure 1 – Properties With No Previous Studies (Eastern Neighborhoods Mitigation Measure J-2)***

This measure would apply to those properties within the project area for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)), with the exception of those properties within Archeological Mitigation Zone B as shown in Figure 29 in Chapter IV, for which Mitigation Measure J-3, below, is applicable). That is, this measure would apply to the entirety of the study area outside of Archeological Mitigation Zones A and B.

For projects proposed outside Archeological Mitigation Zones A and B, a Preliminary Archeological Sensitivity Study must be prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology. The Sensitivity Study should contain the following:

- 1) Determine the historical uses of the project site based on any previous archeological documentation and Sanborn maps;
- 2) Determine types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the CRHR;
- 3) Determine if 19th or 20th century soils-disturbing activities may adversely affected the identified potential archeological resources;
- 4) Assess potential project effects in relation to the depth of any identified potential archeological resource;
- 5) Conclusion: assessment of whether any CRHP-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action.

Based on the Sensitivity Study, the Environmental Review Officer (ERO) shall determine if an Archeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHP-eligible archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archeological documentation established by the Office of Historic Preservation for purposes of compliance with CEQA, in Preservation Planning Bulletin No. 5).

## Noise

### *Project Mitigation Measure 2 – Construction Noise (Eastern Neighborhoods Mitigation Measure F-2)*

Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project 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 Department of Building Inspection 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 a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements;
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

***Project Mitigation Measure 3 – Interior Noise Levels (Eastern Neighborhoods Mitigation Measure F-3)***

For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.

***Project Mitigation Measure 4 – Siting of Noise-Sensitive Uses (Eastern Neighborhoods Mitigation Measure F-4)***

To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

***Project Mitigation Measure 5 – Open Space in Noisy Environments (Eastern Neighborhoods Mitigation Measure F-6)***

To minimize effects on development in noisy areas, for new development including noise-sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.

**Hazardous Materials**

***Project Mitigation Measure 6 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)***

The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.