



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

Case No.: **2014.1575ENV**
Project Address: **502 7th Street**
Zoning: UMU (Urban Mixed Use) District
48-X Height and Bulk District
Block/Lot: 3780/001
Lot Size: 3,998 square feet
Plan Area: Eastern Neighborhoods (Showplace Square/Potrero Hill)
Project Sponsor: SoMa Residential Development, LLC
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PROJECT DESCRIPTION

The project site is on the southwest corner of 7th and Bryant streets in San Francisco's South of Market neighborhood. Prior to 1968, the project site was occupied by a gas station. In 1968, the existing one-story, 27-foot-tall commercial building was constructed. The building is currently occupied by a delivery services company.

The proposed project consists of the demolition of the existing one-story, 27-foot-tall commercial building and the construction of a new five-story, 48-foot-tall building containing 16 dwelling units. There would be a 15.5-foot-tall elevator penthouse and an 8.5-foot-tall stair penthouse on the roof of the building; the maximum building height would be 63.5 feet. No automobile parking spaces would be provided. A total of 17 bicycle parking spaces would be provided; 16 Class 1 spaces would be provided in a secure storage room on the ground floor, and one Class 2 space would be provided on the Bryant Street sidewalk adjacent to the project site. Usable open space for the residents of the proposed project would be provided in the form of private patios and a common roof deck.

Construction of the proposed project is expected to last nine to 11 months. The proposed project would be supported by a mat slab foundation; pile driving would not be required. Construction of the proposed project would require excavation to a depth of two feet below ground surface and the removal of about 592 cubic yards of soil.

The proposed project would require the following approvals:

- **Rear Yard Modification and Permitted Obstructions Variance** (*Zoning Administrator*)
- **Demolition Permit** (*Planning Department and Department of Building Inspection*)
- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)
- **Condominium Map** (*Department of Public Works*)



SOURCE: San Francisco Planning Department

Figure 1: Project Location

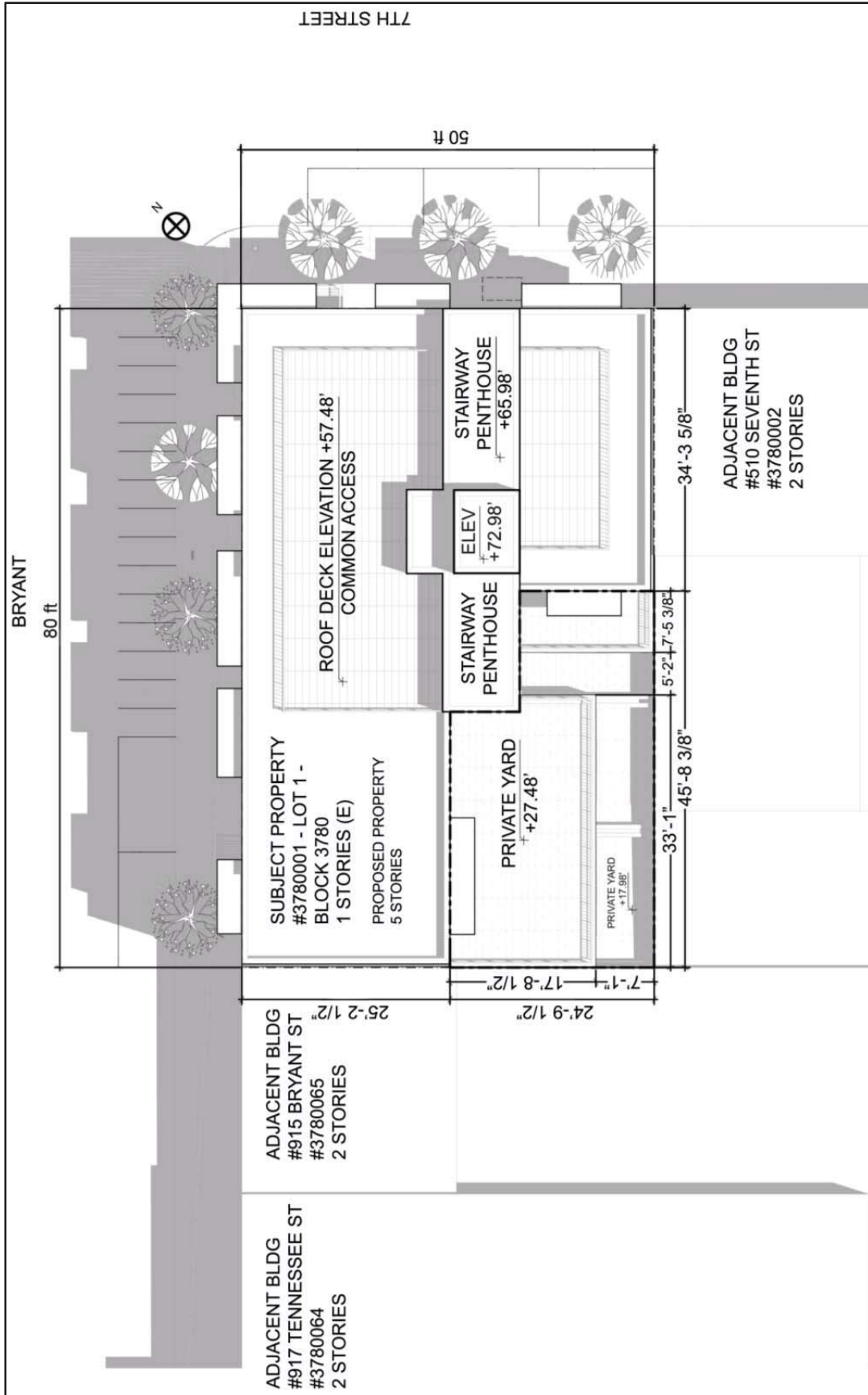


Figure 2: Proposed Site Plan

SOURCE: RG-Architecture

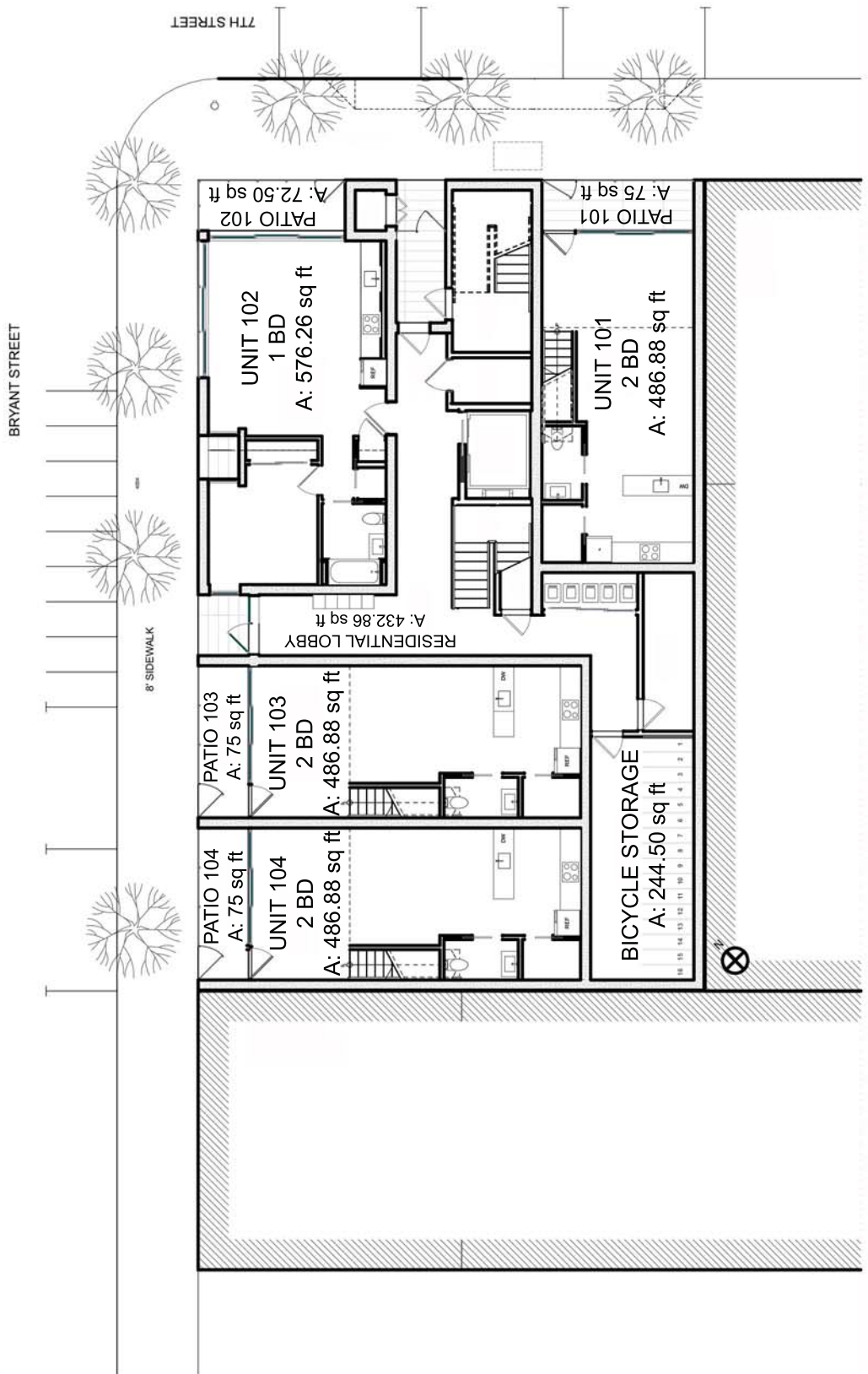


Figure 3: Proposed Ground Floor Plan

SOURCE: RG-Architecture

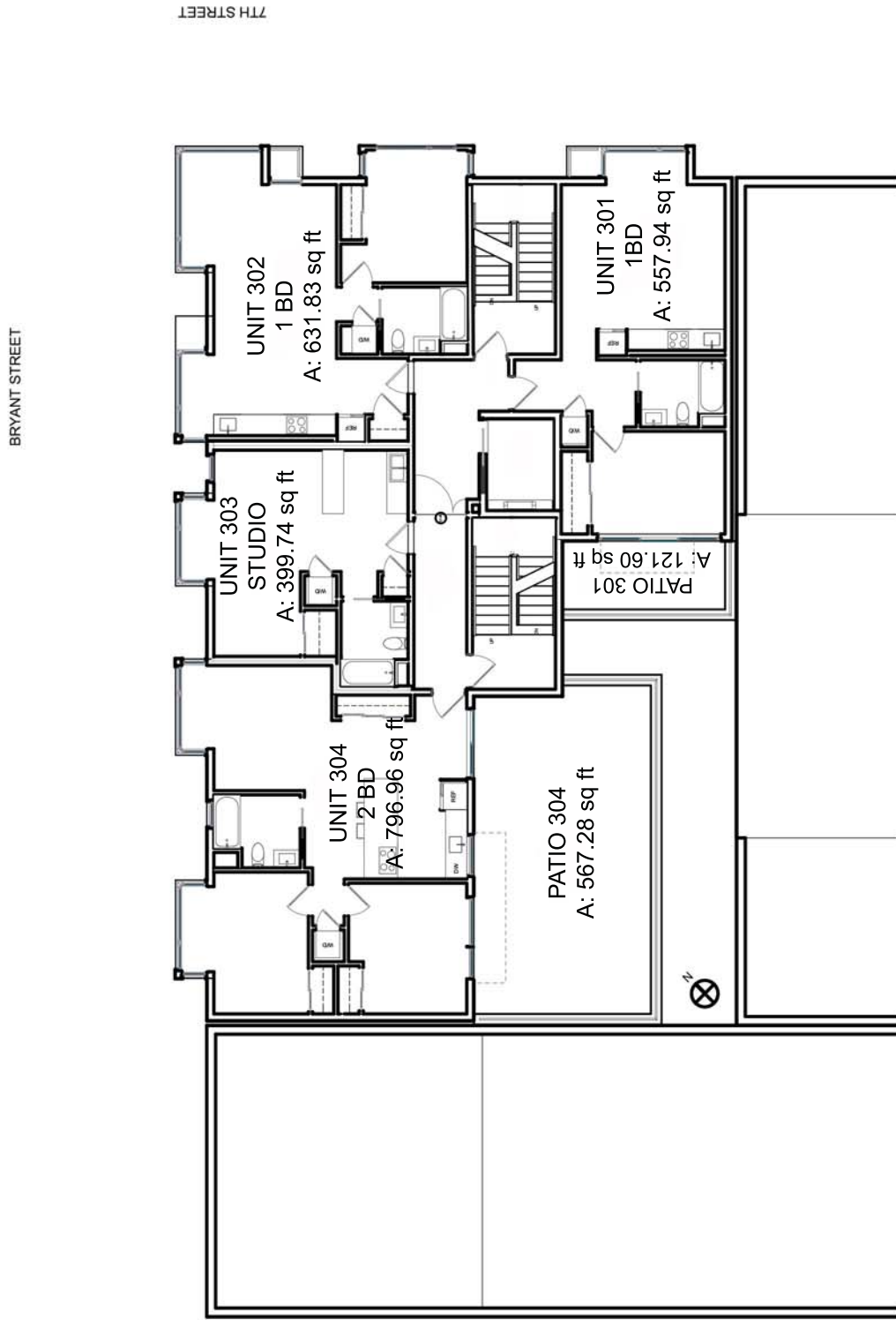


Figure 4: Proposed Third Floor Plan

SOURCE: RG-Architecture

BRYANT STREET

7TH STREET

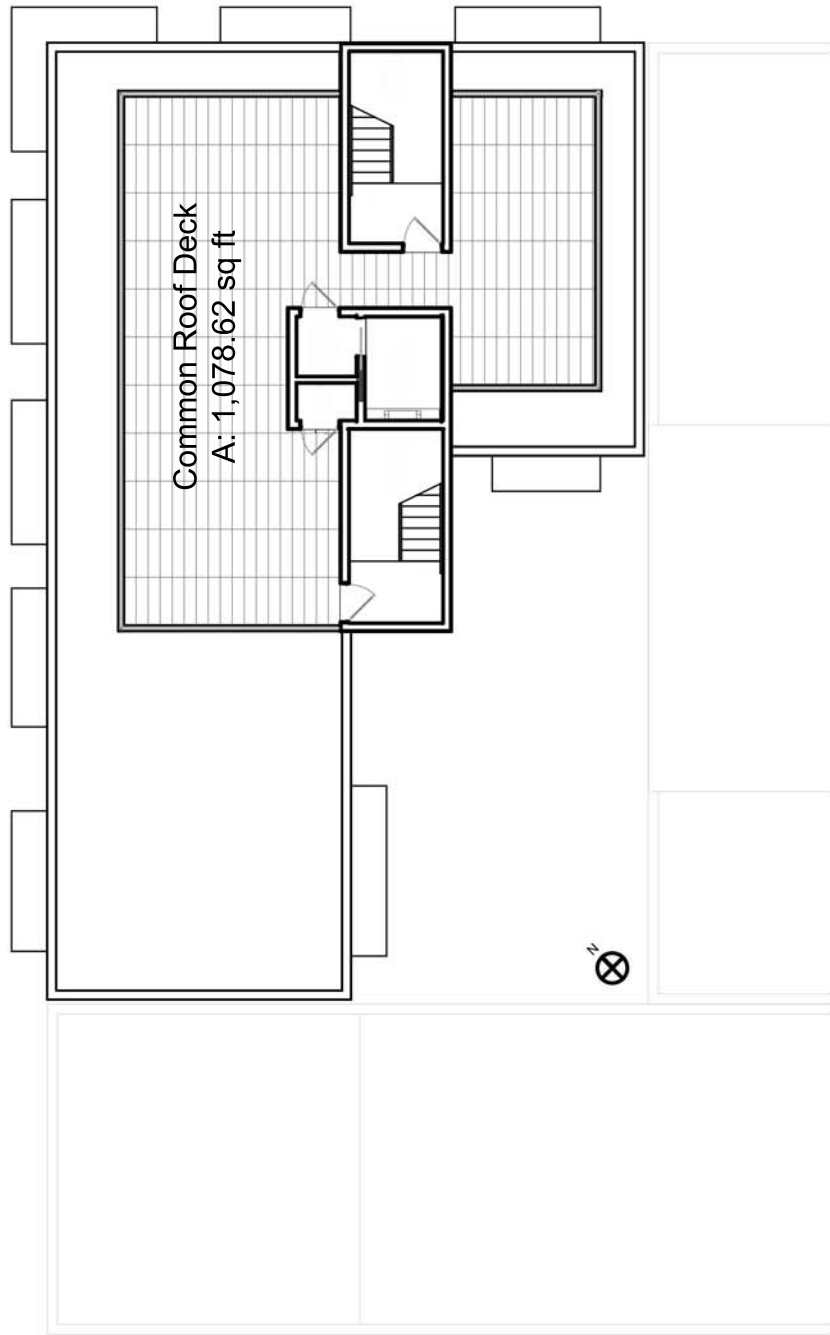
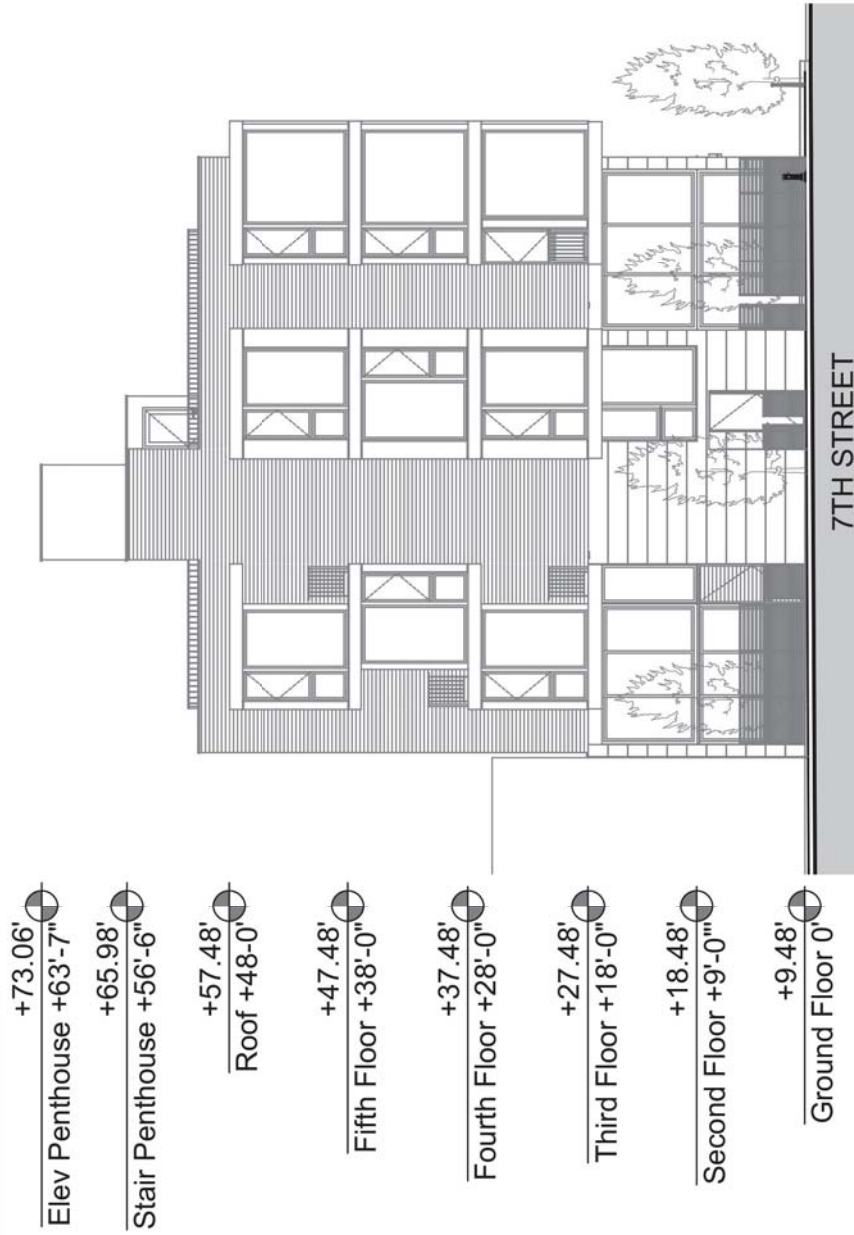


Figure 5: Proposed Roof Plan

SOURCE: RG-Architecture



SOURCE: RG-Architecture

Figure 6: Proposed 7th Street Elevation

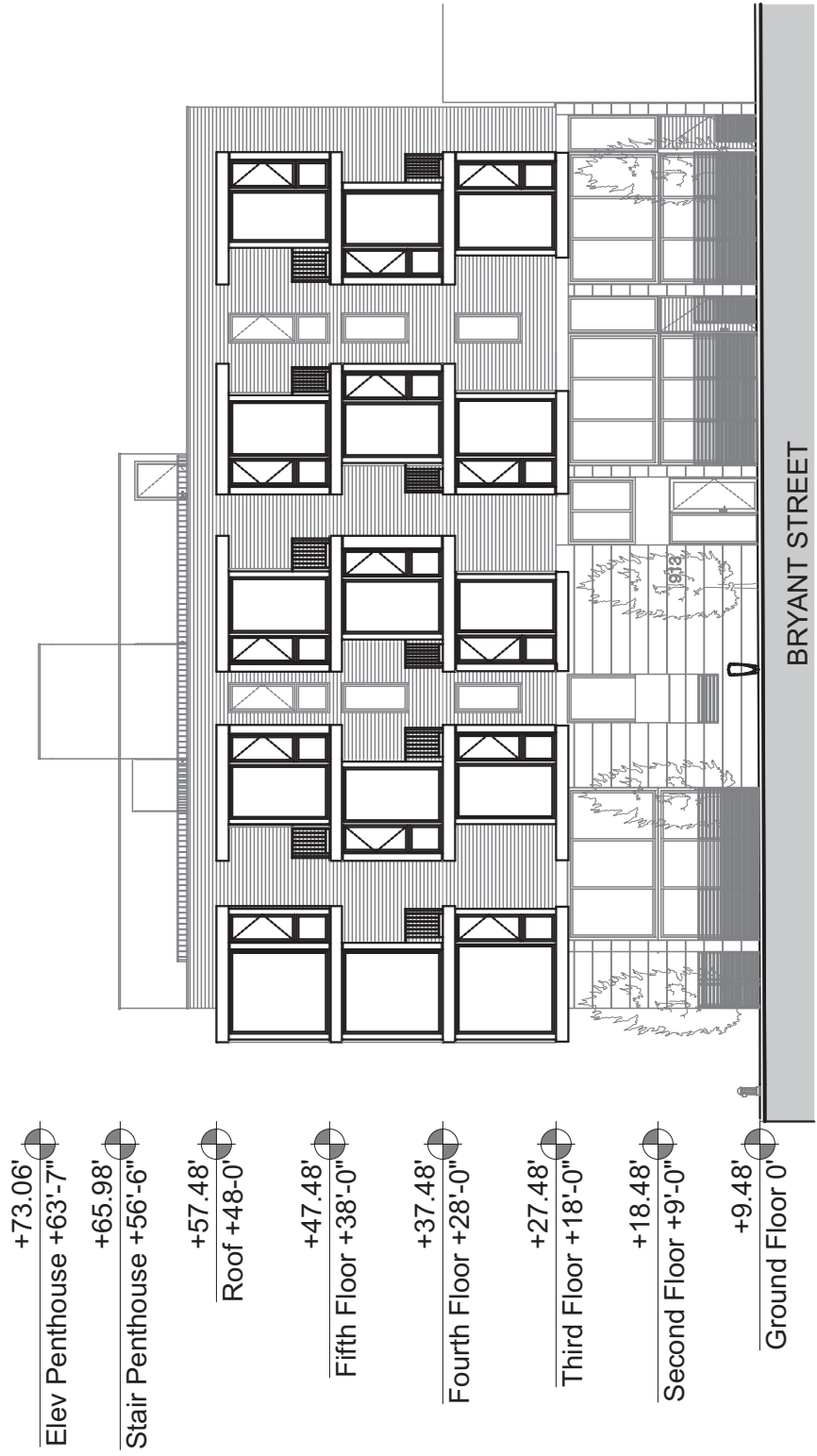


Figure 7: Proposed Bryant Street Elevation

SOURCE: RG-Architecture

The proposed project is subject to notification under Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the proposed project. If no discretionary review is requested, the issuance of the building permit by the Department of Building Inspection constitutes the Approval Action for the proposed 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).¹ 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 topics 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 and Improvement 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 levels except for those related to land use (cumulative impacts on Production, Distribution, and Repair (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 consists of the demolition of the existing one-story commercial building and the construction of a five-story building containing 16 dwelling units and no parking spaces. 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.

CHANGES IN THE REGULATORY ENVIRONMENT

Since the certification of the Eastern Neighborhoods PEIR in 2008, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the Eastern Neighborhoods plan

¹ San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed July 27, 2015.

areas. As discussed in each topic area referenced below, these policies, regulations, statutes, and funding measures have or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include:

- State statute regulating Aesthetics and Parking Impacts for Transit Priority Infill, effective January 2014 (see associated heading below);
- *San Francisco Bicycle Plan* update adoption in June 2009, *Better Streets Plan* adoption in 2010, Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program process (see Checklist section “Transportation”);
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see Checklist section “Noise”);
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, effective December 2014 (see Checklist section “Air Quality”);
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the *General Plan* adoption in April 2014 (see Checklist section “Recreation”);
- *Urban Water Management Plan* adoption in 2011 and Sewer System Improvement Program process (see Checklist section “Utilities and Service Systems”); and
- Article 22A of the Health Code amendments effective August 2013 (see Checklist section “Hazardous Materials”).

CHANGES IN THE PHYSICAL ENVIRONMENT

Since the certification of the Eastern Neighborhoods PEIR in 2008, as evidenced by the volume of development applications submitted to the Planning Department since 2012, the pace of development activity has increased in the Eastern Neighborhoods plan areas. The Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in a substantial amount of growth within the Eastern Neighborhoods Plan area, resulting in an increase of approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 sf of net nonresidential space (excluding PDR loss) throughout the lifetime of the Plan (year 2025).² The growth projected in the Eastern Neighborhoods PEIR was based on a soft site analysis (i.e., assumptions regarding the potential for a site to be developed

² Tables 12 through 16 of the Eastern Neighborhoods Draft EIR and Table C&R-2 in the Comments and Responses show projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning, not projected growth totals from a baseline of the year 2000. Estimates of projected growth were based on parcels that were to be rezoned and did not include parcels that were recently developed (i.e., parcels with projects completed between 2000 and March 2006) or have proposed projects in the pipeline (i.e., projects under construction, projects approved or entitled by the Planning Department, or projects under review by the Planning Department or Department of Building Inspection). Development pipeline figures for each Plan Area were presented separately in Tables 5, 7, 9, and 11 in the Draft EIR. Environmental impact assessments for these pipeline projects were considered separately from the Eastern Neighborhoods rezoning effort.

through the year 2025) and not based on the created capacity of the rezoning options (i.e., the total potential for development that would be created indefinitely).³

As of July 31, 2015, projects containing 8,559 dwelling units and 2,231,595 sf of nonresidential space (excluding PDR loss) have completed or are proposed to complete environmental review⁴ within the Eastern Neighborhoods Plan area. These estimates include projects that have completed environmental review (4,885 dwelling units and 1,472,688 sf of nonresidential space) and foreseeable projects, including the proposed project (3,674 dwelling units and 758,907 sf of nonresidential space). Foreseeable projects are those projects for which environmental evaluation applications have been submitted to the San Francisco Planning Department. Of the 4,885 dwelling units that have completed environmental review, building permits have been issued for 3,710 dwelling units, or approximately 76 percent of those units (information is not available regarding building permit nonresidential square footage). An issued building permit means the buildings containing those dwelling units are currently under construction or open for occupancy.

Within the Showplace Square/Potrero Hill subarea, the Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in an increase of 2,294 to 3,891 net dwelling units and 1,489,955 to 1,681,521 net sf of nonresidential space (excluding PDR loss) through the year 2025. As of July 31, 2015, projects containing 3,266 dwelling units and 865,849 sf of nonresidential space (excluding PDR loss) have completed or are proposed to complete environmental review within the Showplace Square/Potrero Hill subarea. These estimates include projects that have completed environmental review (1,822 dwelling units and 621,768 sf of non-residential space) and foreseeable projects, including the proposed project (1,444 dwelling units and 244,081 sf of nonresidential space). Of the 1,822 dwelling units that have completed environmental review, building permits have been issued for 1,105 dwelling units, or approximately 61 percent of those units.

Growth that has occurred within the Plan area since adoption of the Eastern Neighborhoods PEIR has been planned for, and the effects of that growth were anticipated and considered in the Eastern Neighborhoods PEIR. Although the reasonably foreseeable growth in the residential land use category is approaching the projections within the Eastern Neighborhoods PEIR, the nonresidential reasonably foreseeable growth is between approximately 34 and 69 percent of the nonresidential projections in the Eastern Neighborhoods PEIR. The Eastern Neighborhoods PEIR utilized the growth projections to analyze the physical environmental impacts associated with that growth for the following environmental impact topics: Land Use; Population, Housing, Business Activity, and Employment; Transportation; Noise; Air Quality; Parks, Recreation, and Open Space; Utilities/Public Services; and Water. The analysis took into account the overall growth in the Eastern Neighborhoods and did not necessarily analyze in isolation the impacts of growth in one land use category, although each land use category may have differing severities of effects. Therefore, given that the growth from the reasonably foreseeable projects has not exceeded the overall growth that was projected in the Eastern Neighborhoods PEIR, information

³ San Francisco Planning Department, *Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook, Draft*, February 2003. This document is available at: <http://www.sf-planning.org/index.aspx?page=1678#background>.

⁴ For this and the Land Use and Land Use Planning section, environmental review is defined as projects that have or are relying on the growth projections and analysis in the Eastern Neighborhoods PEIR for environmental review (i.e., Community Plan Exemptions or Focused Mitigated Negative Declarations and Focused Environmental Impact Reports with an attached Community Plan Exemption Checklist).

that was not known at the time of the PEIR has not resulted in new significant environmental impacts or substantially more severe adverse impacts than discussed in the PEIR.

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.⁵ Project elevations are included in the project description.

Topics:	<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>
1. LAND USE AND LAND USE PLANNING— Would the project:				
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 a significant and unavoidable impact on land use due to the cumulative loss of PDR uses. The existing delivery services use on the project site is considered a PDR use. Implementation of the proposed project would demolish the existing building, resulting in the loss of 3,870 gsf of PDR use. The proposed loss of 3,870 sf of existing PDR use does not represent a considerable contribution to the cumulative loss of PDR uses analyzed in the Eastern Neighborhoods PEIR, and it would not result in significant impacts that were not already identified or are more severe than those identified in the PEIR.

Implementation of the proposed project would preclude an opportunity for future development of PDR space on the 3,998-sf project site given that PDR uses are permitted in the UMU District, as they were in the previous SLI (Service/Light Industrial) zoning for the project site. The incremental loss of 3,998 sf of PDR opportunity does not represent a considerable contribution to the loss of PDR opportunity analyzed

⁵ San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 502 7th Street*, June 5, 2015.

in the Eastern Neighborhoods PEIR, and it would not result in significant impacts that were not already identified or are more severe than those identified in the PEIR.

The division of an established community typically involves the construction of a physical barrier to neighborhood access, such as a new freeway, or the removal of a means of access, such as a bridge or a roadway. The Eastern Neighborhoods PEIR determined that implementation of the Area Plans would not construct any physical barriers or remove any existing means of access that could physically divide established communities.

The Citywide Planning and Current Planning divisions of the Planning Department have determined that the proposed project is permitted in an UMU District and is consistent with the height, density, and land uses specified in the *Showplace Square/Potrero Hill Area Plan*.^{6,7} Implementation of the proposed project would introduce residential uses that would be consistent with and maintain the mixed-use character of the project vicinity.

For these reasons, implementation of the proposed project would not result in significant impacts related to land use and land use planning beyond those identified in the Eastern Neighborhoods PEIR, 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>
2. POPULATION AND HOUSING— Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<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"/>

One of the objectives of the Eastern Neighborhoods Rezoning and 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 and of 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

⁶ Sue Exline, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning Analysis, Case No. 2014.1575ENV, 502 7th Street, October 27, 2015.*

⁷ Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, Case No. 2014.1575ENV, 502 7th Street, December 30, 2015.*

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.

The proposed project consists of the construction of a five-story building containing a total of 16 dwelling units, which would result in a total of about 39 residents on the project site.⁸ As stated in the “Changes in the Physical Environment” section above, these direct effects of the proposed project on population and housing are within the scope of the population growth anticipated under the Eastern Neighborhoods Rezoning and Area Plans and evaluated in the Eastern Neighborhoods PEIR.

For these reasons, the proposed project would not result in significant impacts on population and housing beyond those 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>
3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<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 (CRHR) 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

⁸ The Eastern Neighborhoods PEIR assumed that the Plan Area would have an average household size of about 2.43 residents per dwelling unit in the year 2025.

adopted as part of the approval of the Eastern Neighborhoods Rezoning and Area Plans on January 19, 2009.

In 2011, the Planning Department conducted the Showplace Square/Northeast Mission Historic Resource Survey and determined that the existing building on the project site is not a historical resource under CEQA. Therefore, demolition of the existing building would not result in a significant impact on a historical resource. In addition, the project site is not within an existing historic district.

For these reasons, the proposed project would not contribute to the significant and unavoidable impacts on historical resources that were identified in the Eastern Neighborhoods PEIR.

Archeological Resources

The Eastern Neighborhoods PEIR determined that implementation of the Area Plans could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to less-than-significant levels. PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan (ARDTP) is on file at the Northwest Information Center and the Planning Department. PEIR 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. PEIR 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 project site is in an area for which a previous archeological study has been conducted and an ARDTP is on file, so PEIR Mitigation Measure J-1 is applicable to the proposed project. PEIR Mitigation Measure J-1 requires the preparation of an addendum to the previously completed ARDTP. The Planning Department conducted a Preliminary Archeological Review (PAR) of the proposed project. Based on the proposed depth of excavation (two feet below ground surface), the Planning Department determined that an addendum to the previously completed ARDTP is not required for the proposed project but that a mitigation measure related to the accidental discovery of archeological resources is applicable to the proposed project.⁹ This mitigation measure, identified as Project Mitigation Measure 1, is discussed on pp. 39-40. The project site is not in an area for which no previous archeological studies have been conducted, so PEIR Mitigation Measure J-2 is not applicable to the proposed project. The project site is not in the Mission Dolores Archeological District, so PEIR Mitigation Measure J-3 is not applicable to the proposed project.

For these reasons, the proposed project would not result in significant impacts on archeological resources beyond those identified in the Eastern Neighborhoods PEIR.

⁹ Randall Dean, San Francisco Planning Department, Preliminary Archeological Review Case Log, May 21, 2015.

<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>
4. TRANSPORTATION AND CIRCULATION— Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<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 scope of 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, which are discussed below in the Traffic and Transit subsections. Even with mitigation, however, it was anticipated that the significant adverse 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, CPE Checklist Topic 4c is not applicable.

Trip Generation

The proposed project consists of the demolition of the existing one-story commercial building and the construction of a five-story building containing 16 dwelling units, no automobile parking spaces, and 17 bicycle parking spaces.

Trip generation for the proposed project was calculated using information in the *2002 Transportation Impact Analysis Guidelines for Environmental Review (Transportation Guidelines)* developed by the San Francisco Planning Department.¹⁰ The proposed project would generate an estimated 128 person trips (inbound and outbound) on a weekday daily basis, consisting of 48 person trips by auto, 41 transit trips, 30 walk trips, and nine trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated eight person trips by auto. Accounting for vehicle occupancy data for the project site's census tract, the proposed project would generate 44 daily vehicle trips, eight of which would occur during the p.m. peak hour.

Traffic

Mitigation Measures E-1 through E-4 of the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant traffic impacts. These measures are not applicable to the proposed project, as they are plan-level mitigation measures to be implemented by City and County agencies. Since certification of the PEIR, the San Francisco Municipal Transportation Agency (SFMTA) has been engaged in public outreach regarding some of the parking-related measures identified in Mitigation Measures E-2 and E-4: Intelligent Traffic Management, although they have not been implemented. Measures that have been implemented include traffic signal installation at Rhode Island/16th streets as identified in Mitigation Measure E-1 and enhanced funding as identified in Mitigation Measure E-3 through San Francisco Propositions A and B, passed in November 2014. Proposition A authorized the City to borrow \$500 million through issuing general obligation bonds in order to meet some of the transportation infrastructure needs of the City. These funds are allocated for constructing transit-only lanes and separated bikeways, installing new boarding islands and escalators at Muni/BART stops, installing sidewalk curb bulb-outs, raised crosswalks, median islands, and bicycle parking, and upgrading Muni maintenance facilities, among various other improvements. Proposition B, which also passed in November 2014, amends the City Charter to increase the amount the City provided to the SFMTA based on the City's population, with such funds to be used to improve Muni service and street safety. Some of this funding may be applied to transportation projects within the Eastern Neighborhoods Plan area.

Vehicle trips associated with the proposed project 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 LOS in San Francisco.

The Eastern Neighborhoods PEIR analyzed traffic impacts at 40 intersections throughout the Plan Area. The intersections near the project site (within approximately 800 feet) include Seventh/Harrison, Seventh/Bryant, Seventh/Brannan, and Eighth/Bryant. Table 1: Intersection Levels of Service, provides existing and cumulative LOS data gathered for these intersections, per the transportation study for the Eastern Neighborhoods PEIR.¹¹

¹⁰ San Francisco Planning Department, *Transportation Calculations, 502 7th Street*, May 22, 2015.

¹¹ CHS Consulting Group, LCW Consulting, and Wilbur Smith Associates, *Eastern Neighborhoods Rezoning and Area Plans Transportation Study*, June 30, 2007.

Table 1: Intersection Levels of Service

<u>Intersection</u>	<u>Existing LOS (2007)</u>	<u>Cumulative LOS (2025)</u>
Seventh/Harrison	B	F
Seventh/Bryant	C	F
Seventh/Brannan	C	F
Eighth/Bryant	D	F

Source: Eastern Neighborhoods PEIR, Table 41, 2008.

Notes:

(1) **Bold** indicates intersection operates at unacceptable LOS conditions (LOS E or F).

The proposed project would generate an estimated eight p.m. peak-hour vehicle trips that would travel through surrounding intersections. These vehicle trips would not substantially increase traffic volumes at nearby intersections, would not substantially increase the average delay to the degree that the LOS of nearby intersections would deteriorate from acceptable to unacceptable, and would not substantially increase the average delay at intersections that currently operate at an unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated eight 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 projects. In addition, the proposed project would not contribute considerably to 2025 cumulative conditions, and thus, the proposed project would not have any significant cumulative traffic impacts.

For these reasons, the proposed project would not result in significant traffic impacts beyond those identified in the Eastern Neighborhoods PEIR.

Transit

Mitigation Measures E-5 through E-11 of the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant transit impacts. These measures are not applicable to the proposed project, as they are plan-level mitigations to be implemented by City and County agencies. In compliance with a portion of Mitigation Measure E-5: Enhanced Transit Funding, the City adopted impact fees for development in Eastern Neighborhoods that goes toward funding transit and complete streets. In addition, the City is currently conducting outreach regarding Mitigation Measure E-5: Enhanced Transit Funding, and Mitigation Measure E-11: Transportation Demand Management, as part of the Transportation Sustainability Program.¹² In compliance with all or portions of Mitigation Measure E-6: Transit Corridor Improvements, Mitigation Measure E-7: Transit Accessibility, Mitigation Measure E-9: Rider Improvements, and Mitigation Measure E-10: Transit Enhancement, the SFMTA is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 16th Street to Mission Bay (expected construction between 2017 and 2020), and the Travel Time Reduction Project on Route 9 San Bruno (initiation in 2015). In addition, Muni Forward includes service improvements to various routes within the Eastern Neighborhoods Plan area such as the implemented new Route 55 on 16th Street.

¹² <http://tsp.sfplanning.org>

Mitigation Measure E-7 also identifies implementing recommendations of the *San Francisco Bicycle Plan* and the *San Francisco Better Streets Plan*. As part of the *Bicycle Plan*, adopted in 2009, a series of minor, near-term and long-term bicycle facility improvements are planned within the Eastern Neighborhoods, including along 2nd Street, 5th Street, 17th Street, Townsend Street, Illinois Street, and Cesar Chavez Boulevard. The *Better Streets Plan*, adopted in 2010, describes a vision for the future of San Francisco's pedestrian realm and calls for streets that work for all users. The *Better Streets Plan* requirements were codified in Planning Code Section 138.1, and new projects constructed in the Eastern Neighborhoods Plan area are subject to varying requirements, depending on project size. Another effort which addresses transit accessibility, *Vision Zero*, was adopted by various City agencies in 2014. *Vision Zero* focuses on building better and safer streets through education, evaluation, enforcement, and engineering. The goal is to eliminate all traffic fatalities by 2024. *Vision Zero* projects within the Eastern Neighborhoods Plan area include pedestrian intersection treatments along Mission Street from 18th to 23rd streets, the Potrero Avenue Streetscape Project from Division to Cesar Chavez streets, and the Howard Street Pilot Project, which includes pedestrian intersection treatments from 4th to 6th streets.

The project site is well served by public transportation. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following bus lines: the 8 Bayshore, 8AX Bayshore A Express, 8BX Bayshore B Express, 10 Townsend, 12 Folsom/Pacific, 14X Mission Express, 19 Polk, 27 Bryant, 47 Van Ness, and the 83X Mid-Market Express. The closest bus stop to the project site is across the street on the southeast corner of 7th and Bryant streets. This bus stop serves the 27 Bryant and 47 Van Ness bus lines.

The proposed project would be expected to generate 41 daily transit trips, including seven during the p.m. peak hour. Given the wide availability of nearby transit, the addition of seven p.m. peak-hour transit trips would be accommodated by existing capacity. For these reasons, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts related to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. The project site is within one-quarter mile of two of these seven affected lines. The proposed project would not contribute considerably to these conditions as its minor contribution of seven p.m. peak-hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. In addition, the proposed project would not contribute considerably to 2025 cumulative transit conditions.

For these reasons, the proposed project would not result in significant transit impacts beyond those identified in the Eastern Neighborhoods PEIR and would not contribute considerably to cumulative transit impacts that were 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>
5. NOISE—Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<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"/>
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 determined that implementation of the Eastern Neighborhoods Rezoning and Area Plans would result in less-than-significant impacts related to incremental increases in traffic noise. However, the Eastern Neighborhoods PEIR determined that there would be significant noise impacts related to construction activities and conflicts between noise-sensitive uses and noise-generating land uses such as PDR, retail, nighttime entertainment, cultural/institutional/educational, and office uses. The Eastern Neighborhoods PEIR identified six noise mitigation measures that would reduce noise impacts from construction and noise-generating land uses to less-than-significant levels.

Construction Impacts

PEIR Mitigation Measure F-1: Construction Noise (Pile Driving), addresses noise impacts related to pile driving. PEIR Mitigation Measure F-1 is not applicable to the proposed project, because pile driving is not required or proposed.

PEIR Mitigation Measure F-2: Construction Noise, requires the development of a noise attenuation plan and the implementation of noise attenuation measures to minimize noise impacts from construction activities. PEIR Mitigation Measure F-2, which is applicable to the proposed project, is identified as Project Mitigation Measure 2 and discussed on p. 40.

In addition, all construction activities for the proposed project (approximately nine to 11 months) would be subject to and would comply with the San Francisco Noise Ordinance (Noise Ordinance), which is codified as Article 29 of the San Francisco Police Code. The Noise Ordinance regulates construction noise and requires that construction work be conducted in the following manner: (1) noise levels of

construction equipment, other than impact tools, must not exceed 80 dBA¹³ 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 the DPW authorizes a special permit for conducting the work during that period.

The 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 9- to 11-month construction period for the proposed project, 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. In addition, the construction contractor would be required to comply with the Noise Ordinance and PEIR Mitigation Measure F-2, which would reduce construction noise impacts to less-than-significant levels.

Operational Impacts

PEIR Mitigation Measures F-3: Interior Noise Levels, PEIR Mitigation Measure F-4: Siting Noise-Sensitive Uses, require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with day-night average noise levels (L_{dn}) above 60 dBA or near existing noise-generating uses.¹⁴ Since certification of the PEIR, San Francisco adopted Noise Regulations Relating to Residential Uses Near Places of Entertainment (Ordinance No. 70-15, effective June 20, 2015). The intent of the regulations is to address noise conflicts between new residential uses and existing noise-generating uses in noise-critical areas, such as sites in proximity to highways, city streets, railroads, rapid transit lines, airports, nighttime entertainment venues, or industrial areas. Residential structures to be located in areas in which the day-night average sound level (L_{dn}) or community noise equivalent level (CNEL) exceeds 60 dBA shall require an acoustical analysis with the building permit application showing that the proposed design will limit exterior noise to 45 dBA in any habitable room. Furthermore, the regulations require the Planning Department and Planning Commission to consider the compatibility of uses when approving residential uses adjacent to or near existing permitted places of entertainment and take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new developments.

¹³ The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

¹⁴ The L_{dn} is the L_{eq} , or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period, obtained after the addition of 10 dB to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.). The L_{eq} is the level of a steady noise that would have the same energy as the fluctuating noise level integrated over the time period of interest.

The regulations and procedures set forth by the Noise Regulations Relating to Residential Uses Near Places of Entertainment are consistent with the provisions of PEIR Mitigation Measure F-3 and F-4. In accordance with PEIR Mitigation Measures F-3 and F-4, the project sponsor conducted a noise analysis demonstrating that the proposed project can feasibly attain acceptable interior noise levels.¹⁵ The findings and recommendations are presented in a noise report and summarized below.

The noise analysis included one long-term (24-hour) noise measurement and three short-term (15-minute) noise measurements. Based on the noise measurements, the existing ambient noise level at the project site is 70 dBA (Ldn). Title 24 of the California Code of Regulations requires that interior noise levels in any habitable space not exceed 45 dBA. The exterior walls of the proposed building would have Outside Inside Transmission Class (OITC) ratings of 56 on the first and second floors and 40 on the third through fifth floors; these OITC ratings would be sufficient to achieve interior noise levels that do not exceed 45 dBA.^{16, 17} Depending on their locations, the windows of the proposed building would need OITC ratings of 34, 31, 29, or 26 in order to achieve interior noise levels that do not exceed 45 dBA.¹⁸ Implementation of the recommendations in the noise report would ensure that the proposed project would comply with Title 24 and that the proposed project would not result in significant noise impacts.

PEIR Mitigation Measure F-5 addresses impacts related to individual development projects that include new noise-generating uses that would be expected to generate noise levels in excess of ambient noise levels in the respective project vicinities. The proposed project would introduce residential uses to the project site, but these uses are not expected to generate noise levels in excess of existing ambient noise levels in the project vicinity. The proposed project includes the installation of mechanical equipment, such as heating and ventilation systems, that could produce operational noise, but this equipment would be required to comply with the standards set forth in Section 2909 of the Noise Ordinance. The proposed project does not include the installation of a backup diesel generator. Therefore, PEIR Mitigation Measure F-5 is not applicable to the proposed project.

PEIR Mitigation Measure F-6 requires open space associated with new development that includes noise-sensitive uses to be protected from existing ambient noise levels in order to minimize disruption to users of the open space. The proposed project includes open space for the residential uses. Therefore, PEIR Mitigation Measure F-6 is applicable to the proposed project. The proposed private patios on the second and third floors would be shielded from traffic noise on 7th and Bryant streets by the building itself. The proposed roof deck would be set back from the edge of the building, which would provide some shielding from traffic noise on 7th and Bryant streets. If needed, a transparent screen along the edge of the roof could provide additional shielding from traffic noise on 7th and Bryant streets and Interstate 80. Implementation of these design features would ensure that the proposed project would not result in significant noise impacts.

¹⁵ Shen Milsom Wilke, *502 7th Street Residential Development, Environmental Noise Report* (hereinafter "Noise Report"), July 14, 2015.

¹⁶ Outside Inside Transmission Class is a rating system used to classify the transmission loss of materials used for environmental noise isolation. This rating system addresses the lower frequencies associated with transportation noise.

¹⁷ *Noise Report*, p. 7.

¹⁸ *Noise Report*, Figures 3 through 6, pp. 9-12.

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, CPE Checklist Topics 5e and 5f are not applicable.

For these reasons, the proposed project would not result in significant noise impacts beyond those identified in the Eastern Neighborhoods PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
6. AIR QUALITY—Would the project:				
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 on sensitive land uses¹⁹ 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*, which was the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Construction Dust Control

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 approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective August 29, 2008). The intent of this 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

¹⁹ 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, p. 12.

and of on-site workers, to minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (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, sweeping streets and sidewalks, and other measures.

The regulations and procedures set forth in the Construction 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 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.”²⁰ The BAAQMD’s *CEQA Air Quality Guidelines (Air Quality Guidelines)* provide screening criteria²¹ 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. The proposed project, with 16 dwelling units, is below both the construction screening criterion and the operational screening criterion for the “apartments, mid-rise” land use type. Therefore, the proposed project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

Health Risk

Since the certification of the PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes (Ordinance No. 224-14, effective December 7, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The project site is within an APEZ. The APEZ, as defined in Article 38, consists of areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM_{2.5} concentration and cumulative excess cancer risk. The APEZ incorporates health vulnerability factors and proximity to freeways. Projects within an APEZ, such as the proposed project, 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.

²⁰ San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Case No. 2004.0160E, certified August 7, 2008, p. 346. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>, accessed July 27, 2015.

²¹ BAAQMD, *CEQA Air Quality Guidelines*, updated May 2011, pp. 3-2 to 3-3.

Construction

The proposed project would require heavy-duty off-road diesel vehicles and equipment during approximately four months of the anticipated nine- to 11-month construction period. Thus, Project Mitigation Measure 3: Construction Air Quality, has been identified to implement the portions of Eastern Neighborhoods PEIR Mitigation Measure G-1 related to emissions exhaust by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure 3 would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.²² Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 3, which is discussed on pp. 40-42.

Siting Sensitive Land Uses

For sensitive-use projects within an APEZ, such as the proposed project, Article 38 requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM_{2.5} (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. The DBI will not issue a building permit without written notification from the Director of the DPH that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor has submitted an initial application for an Enhanced Ventilation Proposal to the DPH.²³ The regulations and procedures set forth in Article 38 would ensure that exposure to sensitive receptors would not be significant. These requirements supersede the provisions of PEIR Mitigation Measure G-2: Air Quality for Sensitive Land Use. Therefore, PEIR Mitigation Measure G-2 is no longer applicable to the proposed project, and impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

Siting New Sources

The proposed project would not generate more than 10,000 vehicle trips per day, more than 100 truck trips per day, or more than 40 refrigerated truck trips per day. In addition, the proposed project would not include a backup diesel generator or other sources that would emit DPM or other TACs. Therefore, PEIR Mitigation Measure G-3: Siting of Uses that Emit DPM, and PEIR Mitigation Measure G-4: Siting of Uses that Emit Other TACs, are not applicable to the proposed project.

²² PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and Tier 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, compared to off-road equipment with Tier 1 or Tier 0 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

²³ *Application for Article 38 Compliance Assessment, 502 7th Street*, submitted July 15, 2015.

Conclusion

The proposed project is required to comply with the provisions of the Construction Dust Control Ordinance and Health Code Article 38. The portion of Eastern Neighborhoods PEIR Mitigation Measure G-1: Construction Air Quality, that addresses exhaust emissions from construction equipment is the only Eastern Neighborhoods PEIR air quality mitigation measure that is applicable to the proposed project. For these reasons, the proposed project would not result in significant air quality impacts beyond those 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>
7. GREENHOUSE GAS EMISSIONS—Would the project:				
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 the three rezoning options under the Eastern Neighborhoods Rezoning and Area Plans. 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 CO₂E²⁴ per service population,²⁵ respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed would be less than significant, and no mitigation measures were identified in the PEIR.

The proposed project was determined to be consistent with San Francisco’s GHG Reduction Strategy,²⁶ which is comprised of regulations that have proven effective in reducing San Francisco’s overall GHG emissions; GHG emissions have been measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan’s* GHG reduction goals for the year 2020.²⁷ Other existing regulations, such as those implemented through Assembly Bill 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 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.

²⁴ CO₂E, 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.
²⁵ Memorandum from Jessica Range to Environmental Planning Division 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.
²⁶ San Francisco Planning Department, *Greenhouse Gas Compliance Checklist, 502 7th Street*, June 2, 2015.
²⁷ Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan* set a target of reducing GHG emissions to below 1990 levels by the year 2020.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on GHG emissions 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>
8. WIND AND SHADOW—Would the project:				
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 the case that projects less than 80 feet in height would not have the potential to result in significant wind impacts. The new height limits proposed under the Eastern Neighborhoods Rezoning and Area Plans would generally not exceed 80 feet. A few locations throughout the Plan Area already have existing height limits of 130 feet, but no new locations with height limits of 130 feet were proposed. For these reasons, the Eastern Neighborhoods PEIR determined that, at a programmatic level, the Eastern Neighborhoods Rezoning and Area Plans would not result in significant wind impacts. No mitigation measures were identified in the PEIR. Individual development projects proposed under the Eastern Neighborhoods Rezoning and Area Plans must still be assessed to ensure that they would not result in significant project-level wind impacts.

The proposed project, at a height of 48 feet, would be similar in height to existing buildings in the area. Given the height of the proposed project and the existing scale of development in the project vicinity, the proposed project is not tall enough to alter ground-level wind conditions in a manner that substantially affects public areas. For these reasons, the proposed project would not result in any significant wind impacts beyond those 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, some sites surrounding parks could be redeveloped with taller buildings, because some parks are not subject to the provisions of Section 295 (i.e., some parks are under the jurisdiction of agencies other than the Recreation and Park Commission or are privately owned). The Eastern Neighborhoods PEIR could not conclude if the Eastern Neighborhoods Rezoning and Area Plans would result in less-than-significant shadow impacts, because the feasibility of complete mitigation for the potential new shadow impacts of unknown development proposals could not be determined at that time. Therefore, the PEIR determined that the shadow impacts would be significant and unavoidable. No mitigation measures were identified in the PEIR.

The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year.^{28, 29}

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

For these reasons, the proposed project would not result in significant shadow impacts beyond those identified in the Eastern Neighborhoods PEIR.

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

As part of the adoption of the Eastern Neighborhoods Rezoning and Area Plans, the City adopted impact fees for development in the Eastern Neighborhoods that go toward funding recreation and open space. Since certification of the PEIR, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond, providing the Recreation and Park Department with an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. This funding is being utilized for improvements to and expansion of Garfield Square, South Park, the Potrero Hill Recreation Center, Warm Water Cove Park, and the Pier 70 Parks Shoreline within the Eastern Neighborhoods Plan area. The impact fees and the 2012 San Francisco Clean and Safe

²⁸ A shadow fan is a diagram that shows the maximum potential reach of project shadow, without accounting for intervening buildings that could block the shadow, over the course of an entire year (from one hour after sunrise until one hour before sunset on each day of the year) in relation to the locations of nearby open spaces, recreation facilities, and parks.

²⁹ San Francisco Planning Department, *Shadow Fan Analysis, 502 7th Street*, February 2, 2015.

Neighborhood Parks Bond are funding measures similar to that described in PEIR Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities.

An update of the Recreation and Open Space Element (ROSE) of the *General Plan* was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where proposed new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Park and at 17th and Folsom streets, are set to open in 2015 and 2016, respectively. In addition, the amended ROSE identifies the role of both the *San Francisco Better Streets Plan* (see Section E.4, Transportation and Circulation, for a description) and the Green Connections Network in open space and recreation. Green connections are special streets and paths that connect people to parks, open spaces, and the waterfront while enhancing the ecology of the street environment. Six routes identified within the Green Connections Network cross the Eastern Neighborhoods Plan area: Mission to Peaks (Route 6); Noe Valley to Central Waterfront (Route 8), a portion of which has been conceptually designed; Tenderloin to Potrero (Route 18); Downtown to Mission Bay (Route 19); Folsom, Mission Creek to McLaren (Route 20); and Shoreline (Route 24).

As the proposed project does not degrade recreational facilities and is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on recreation 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>
10. UTILITIES AND SERVICE SYSTEMS—Would the project:				
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"/>

<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>
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.

Since the certification of the PEIR, the San Francisco Public Utilities Commission (SFPUC) adopted the *2010 Urban Water Management Plan (UWMP)* in June 2011. The UWMP update includes citywide demand projections to the year 2035, compares available water supplies to meet demand, and presents water demand management measures to reduce long-term water demand. Additionally, the UWMP update includes a discussion of the conservation requirement set forth in Senate Bill 7, passed in November 2009, mandating a statewide 20 percent reduction in per capita water use by 2020. The UWMP includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The UWMP projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

In addition, the SFPUC is in the process of implementing the Sewer System Improvement Program, which is a 20-year, multi-billion dollar citywide upgrade to the City's sewer and stormwater infrastructure to ensure a reliable and seismically safe system. The program includes planned improvements that will serve development in the Eastern Neighborhoods Plan area, including at the Southeast Treatment Plant, the Central Bayside System, and green infrastructure projects, such as the Mission and Valencia Green Gateway.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems 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>
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.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on public services 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>
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"/>
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 Eastern Neighborhoods Rezoning and Area Plans. In addition, development envisioned under the Eastern Neighborhoods Rezoning and Area Plans would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area

Plans would not result in significant impacts on biological resources, and no mitigation measures were identified.

The project site is located within the Showplace Square/Potrero Hill Plan area of the Eastern Neighborhoods program and does not support habitat for any candidate, sensitive or special status species.

For these reasons, implementation of the proposed project would not result in significant impacts on biological resources beyond those identified in the Eastern Neighborhoods PEIR.

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>
13. GEOLOGY AND SOILS—Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Eastern Neighborhoods Rezoning and Area Plans would indirectly increase the population that would be subject to geologic hazards, including earthquakes, 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 risk, but would reduce them to an acceptable level given the seismically active characteristics of the San Francisco Bay Area. Therefore, the PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in significant impacts related to geologic hazards. No mitigation measures were identified in the PEIR.

A geotechnical investigation was conducted to assess the geologic conditions underlying the project site and provide recommendations related to the proposed project's design and construction. The findings and recommendations, presented in a geotechnical report, are summarized below.³⁰

The geotechnical investigation included the drilling of one test boring on the project site to a depth of 20 feet below ground surface (bgs). The project site is underlain by fill consisting sand and clay. Groundwater was encountered about 13.5 feet bgs. There are no known active earthquake faults that run underneath the project site or in the project vicinity; the closest active fault to the project site is the San Andreas Fault, which is about eight miles to the southwest. The project site is in a liquefaction zone, but it is not in a landslide zone.³¹

The geotechnical report states that the proposed project could be supported by a mat foundation; pile driving would not be required. Construction of the proposed project would require excavation to a depth of two feet bgs and the removal of about 592 cubic yards of soil. The geotechnical report includes recommendations related to site preparation and grading, seismic design, foundations, retaining walls, slab-on-grade floors, and site drainage. The project sponsor has agreed to implement the recommendations in the geotechnical report.

The proposed project is required to comply with the San Francisco Building Code (Building Code), which ensures the safety of all new construction in San Francisco. The Department of Building Inspection (DBI) will review the project-specific geotechnical report during its review of the building permit application for the proposed project. In addition, the DBI may require additional site-specific soils report(s) as needed. Implementation of the recommendations in the geotechnical report, in combination with the requirement for a geotechnical report and the review of the building permit application pursuant to the DBI's implementation of the Building Code would minimize the risk of loss, injury, or death due to seismic or other geologic hazards.

For these reasons, the proposed project would not result in significant impacts related to geology and soils beyond those identified in the Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

³⁰ H. Allen Gruen, *Geotechnical Report, Planned Development at 502 7th Street, San Francisco, California*, January 17, 2015.

³¹ San Francisco Planning Department, GIS database geology layer, accessed May 19, 2015.

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14. HYDROLOGY AND WATER QUALITY—Would the project:				
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"/>
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, tsunamis, 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 project site is completely paved, so implementation of the proposed project would not increase the area of impervious surfaces. As a result, the proposed project would not increase stormwater runoff.

For these reasons, the proposed project would not result in any significant impacts related to hydrology and water quality beyond those 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>
15. HAZARDS AND HAZARDOUS MATERIALS— Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Eastern Neighborhoods rezoning options would encourage construction of new development within the Plan Area. The PEIR found that there is a high potential to encounter hazardous materials during construction activities in many parts of the Plan 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, underground storage tank closure, and investigation and cleanup of soil and groundwater would ensure that workers and the community would be protected from exposure to hazardous materials during construction. In addition, businesses that use or generate hazardous substances (cleaners, solvents, etc.), would be subject to existing regulations that would protect workers and the community from exposure to hazardous materials during operations. Furthermore, compliance with existing building and fire codes would reduce impacts related to potential fire hazards, emergency response, and evacuation hazards to less-than-significant levels.

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 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 PEIR Mitigation Measure L-1: Hazardous Building Materials, would reduce this impact to a less-than-significant level. PEIR Mitigation Measure L-1 requires any equipment containing PCBs or DEHP to be removed and properly disposed of in accordance with applicable federal, state, and local regulations prior to the start of renovation. In addition, mercury or other hazardous materials that are identified before or during construction shall be removed and/or abated in accordance with applicable federal, state, and local regulations. Because the proposed project includes the demolition of an existing building, PEIR Mitigation Measure L-1 is applicable to the proposed project. PEIR Mitigation Measure L-1 is identified as Project Mitigation Measure 4 and discussed on p. 42.

Soil and Groundwater Contamination

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks (USTs), sites with historic bay fill, and sites in close proximity to freeways or USTs. The overarching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal, and, when necessary, mitigation of contaminated soils that are encountered during the building construction process. Projects that disturb 50 or more cubic yards of soil on sites with potentially hazardous soil or groundwater within the Eastern Neighborhoods Plan area are subject to this ordinance.

The project site is located in a Maher Area, meaning that it is known or suspected to contain contaminated soil and/or groundwater.³² In addition, the proposed project would require excavation to a depth of two feet below ground surface and the disturbance of more than 50 cubic yards of soil. For these reasons, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The project sponsor is required to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the proposed project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a

³² San Francisco Planning Department, *Expanded Maher Area Map*, March 2015. Available online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf, accessed July 28, 2015.

site mitigation plan (SMP) to the DPH or other appropriate state or federal agencies and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

A Phase I ESA has been prepared to assess the potential for site contamination.³³ The Phase I ESA identified some hazardous materials (janitorial/maintenance supplies, propane, and biomedical waste) that are used, stored, and/or generated at the project site. These materials were found to be properly labeled and stored with no signs of leaks, stains, or spills. Based on how these materials are used, the small quantities, and the lack of violations on file with local regulatory agencies, the Phase I ESA concluded that these materials do not constitute a significant environmental concern.³⁴ From the late 1930s until the late 1960s, the project site was occupied by a gas station. There are no official records that the underground storage tanks (USTs) were removed after the gas station closed, but there was no evidence of the previous or current existence of USTs at the project site.³⁵ The Phase I ESA did not identify any Recognized Environmental Conditions on the project site and concluded that no further investigation is required.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to the DPH.³⁶ Pursuant to compliance with the Maher Ordinance, the proposed project would not result in significant impacts related to contaminated soil and/or groundwater beyond those identified in the Eastern Neighborhoods PEIR.

As discussed above, implementation of Project Mitigation Measure 4 and compliance with all applicable federal, state, and local regulations would ensure that the proposed project would not result in significant impacts related to hazards or hazardous materials beyond those 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>
16. MINERAL AND ENERGY RESOURCES— Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<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"/>

The Eastern Neighborhoods PEIR determined that the Eastern Neighborhoods Rezoning and Area Plans 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

³³ Partner Engineering and Science, Inc., *Phase I Environmental Site Assessment, 502 7th Street, San Francisco, California 94103* (hereinafter “*Environmental Site Assessment*”), September 18, 2013.

³⁴ *Environmental Site Assessment*, pp. 24-25.

³⁵ *Environmental Site Assessment*, pp. 17-18 and 25.

³⁶ *Maher Ordinance Application, 502 7th Street*, submitted April 16, 2015.

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 the Department of Building Inspection. 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 Eastern Neighborhoods Rezoning and Area Plans would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is within the scope of 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 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>
17. AGRICULTURE AND FOREST RESOURCES:—Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<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 Plan Area; 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.

As the proposed project is within the scope of 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

Project Mitigation Measure 1: Accidental Discovery (Implementing PEIR Mitigation Measure J-1)

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

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

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

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

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy, and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning Division of the Planning Department shall

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

Project Mitigation Measure 2: Construction Noise (Implementing PEIR Mitigation Measure F-2)

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

- Erect temporary plywood noise barriers around 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; and
- 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: Construction Air Quality (Implementing PEIR Mitigation Measure G-1)

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

A. Engine Requirements.

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

operators of the two-minute idling limit.

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

B. *Waivers.*

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

Table – Off-Road Equipment Compliance Step-down Schedule

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

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

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

1. The Plan shall include estimates of the construction timeline by phase, with a

description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
 3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

Project Mitigation Measure 4: Hazardous Building Materials (Implementing PEIR 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.