



SAN FRANCISCO PLANNING DEPARTMENT

Addendum #2 to Environmental Impact Report

Addendum Date: March 1, 2017
Case No.: 2017.000838ENV
Project Title: UMU Heights Amendment
EIR: Eastern Neighborhoods Rezoning and Area Plans Final EIR
SCL No. 1984061912, certified August 7, 2008
Zoning: UMU (Urban Mixed Use) District; 40-X, 45-X, 50-X and 85-X Height and Bulk
Districts
Block/Lots: Various
Lot Size: Various
Project Sponsor: San Francisco Planning Department
Sponsor Contact: John Francis, Citywide Planning, 415.575.9147
Lead Agency: San Francisco Planning Department
Staff Contact: Justin Horner – 415.575.9023
justin.horner@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409
Bulk
Planning
Information:
415.558.6377

The purpose of this Addendum to the Eastern Neighborhoods Rezoning and Area Plans Final EIR is to substantiate the Planning Department's determination that no supplemental environmental review is required for the proposed "UMU Height Amendment" legislation (Board of Supervisors File No. 170156) because the environmental effects of implementation of this legislation have been adequately analyzed pursuant to the California Environmental Quality Act ("CEQA") in a Final Environmental Impact Report ("FEIR") previously prepared for the Eastern Neighborhoods Rezoning and Area Plans project. This memorandum describes the proposed legislation's relationship to the Eastern Neighborhoods Rezoning and Area Plans FEIR and the Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans, analyzes the proposed legislation in the context of the previous environmental review, and summarizes the potential environmental effects that may occur as a result of implementing the legislation.

PROPOSED LEGISLATION

The proposed project is an ordinance that would amend the San Francisco Planning Code and Zoning Map to prohibit gym and massage uses in the Production, Distribution, and Repair (PDR) zoning districts, eliminate the Transit-Oriented Retail Special Use District which includes all parcels in PDR districts along 16th Street from Mission Street to Potrero Avenue, and raise the allowable heights of certain parcels within the Urban Mixed Use (UMU) Zoning District. The former two items are not defined as projects under CEQA Guidelines Sections 15378 and 15060(c)(2) because they do not result in a physical change in the environment. Therefore, this Addendum is focused solely on the UMU Height Amendment. The parcels being considered under the UMU Height Amendment are located in the Mission, Showplace Square/Potrero Hill and Central Waterfront neighborhoods. Of these UMU parcels, the heights of those currently in 40-foot and 45-foot Height and Bulk Districts would be increased to 48-feet; those in the 50-foot Height and Bulk District would be increased to 58-feet; and those in the 85-foot Height and Bulk District would be increased to 88-feet. The parcels' bulk designations would not be changed with this proposed legislation.

PROJECT DESCRIPTION

Background

The Eastern Neighborhoods Rezoning and Area Plans Project was adopted in December 2008. The Project was adopted in part to support housing development in some areas previously zoned for industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (“PDR” or generally light industrial) employment and businesses. The project established new zoning districts that permit PDR uses exclusively; in combination with commercial uses; in districts mixing residential and commercial uses and residential and PDR uses; as well as new residential-only districts. The zoning districts replaced existing industrial, commercial, residential single-use, and mixed-use districts. The Project also resulted in amendments to height and bulk districts in some areas to accommodate anticipated residential and commercial growth.

In conjunction with the Planning Code amendments, the Planning Department developed area plans for the East South of Market Area (“East SoMa”), the Mission, Showplace Square/Potrero Hill, and the Central Waterfront for inclusion in the General Plan. These area plans address policy-level issues pertaining to land use, transportation, urban design (including building heights and urban form), open space, housing, historic resources, community facilities and economic development. The overarching objective of the Eastern Neighborhoods Area Plans is to address key policy objectives that both ensure a stable future for PDR businesses in the city, mainly by reserving a certain amount of land for PDR use and also provide a substantial amount of new housing, particularly affordable housing in appropriate areas that create “complete neighborhoods” by providing appropriate amenities and services for area residents and workers.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final EIR by Motion 176592 and adopted the Preferred Project for final recommendation to the Board of Supervisors. The mayor signed the final legislation on December 19, 2009.

Final Environmental Impact Report

The Eastern Neighborhoods Final EIR is a comprehensive, programmatic document that analyzes the environmental effects of implementing the Eastern Neighborhoods Rezoning and Area Plans, as well as the environmental impacts under several alternative zoning scenarios. The Draft EIR evaluated three rezoning alternatives (“Options A, B and C”), two community-proposed alternatives that focused largely on the Mission District, and a “No Project” alternative. The alternatives varied in the amount of potential area-wide land supply that would be zoned for PDR, mixed-use or residential use compared to existing conditions at the time. Option A retained the greatest amount of land supply for PDR use within the 2,300-acre plan area; Option C the least, and designated comparatively more expansive areas of residential and mixed-use zoning throughout the Eastern Neighborhoods and a lesser amount of land area exclusively for PDR use. Option B sought to balance the disposition of land uses between Options A and C. The alternative selected, or the “Preferred Project”, was analyzed in the EIR’s Response to Comments document and represented a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering its environmental effects and the various alternatives discussed in the FEIR.

The Final EIR included analyses of environmental issues associated with amended use and height districts and new General Plan policies including: land use; plans and policies; visual quality and urban

design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods project. No specific development projects were analyzed or as part of the FEIR.

On September 12th, 2012, an addendum was added to the FEIR to examine any environmental impacts of the creation of an Art and Design Special Use District (SUD) and its application to five contiguous lots near 1111 8th Street in the Showplace Square/Potrero Hill Area Plan area. The SUD was intended to facilitate the continued operation of the California College and the Arts and provide a regulatory scheme for a potential future expansion. The addendum concluded that implementation of the SUD would not cause new significant impacts not identified in the FEIR, or result in a substantial increase in the severity of previously identified significant impacts. The SUD is not located adjacent or near any of the lots affected by the proposed legislation.

This addendum reviews the proposed UMU Height Amendment legislation in the context of the analysis of the FEIR's land use (zoning) and height district alternatives listed above. Any future projects that could entail new development, changes of use or new uses, or alterations to existing buildings that adoption of the legislation would be subject to project-specific environmental review.

Project Description

Pursuant to Planning Code Section 145.1(4)(a), ground floor non-residential uses in UMU Districts originally established as part of the Eastern Neighborhoods Area Plans rezoning effort in 2009 shall have a minimum floor-to-floor height of 17-feet on the ground floor. This requirement is intended to allow for the location of Production, Distribution and Repair (PDR) uses in the district, which often require higher ceilings for their operations. When originally adopted, a large number of UMU parcels (approximately 220 lots) were excluded from the zoning map amendment that increased heights to accommodate this requirement (see Figure 1). The proposed legislation is a change to the zoning map that restores PDR development potential to those UMU parcels that were excluded from the zoning map.

Without the proposed height increases to accommodate the 17-foot requirement, the development potential of the approximately 220 lots, particularly for housing, is currently limited. For example, prior to the adoption of the 17-foot requirement, a new development in a 40-X Height and Bulk District could build up to four stories (10 feet per floor), whereas with the 17-foot ground floor requirement, the same development could only build up to three stories (37 feet total). The height increases included in the proposed legislation would allow development to be consistent with the Eastern Neighborhoods Area Plans, and the projections used for environmental impact analysis in the FEIR.

Regulatory Setting

Planning Code

The subject properties are located in the Urban Mixed Use ("UMU") Use District. As stated in Planning Code Section 843, the intention of this district is to "to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include PDR uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple

story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.” The goals of the proposed legislation include realizing the development potential intended in the Eastern Neighborhoods Plan and allowing future development to better accommodate PDR uses, thereby furthering the intent of the UMU District.

The subject properties are located in the 40-X, 45-X, 50-X and 80-X Height and Bulk Districts. Article 2.5 of the Planning Code regulates the height and bulk of structures consistent with the Urban Design element and other elements of the General Plan. Height and Bulk Districts have been established for all parcels in the city for a variety of purposes, including relating the height of new buildings to important attributes of the City pattern and existing development, avoiding an overwhelming or dominating appearance in new construction, preserving and improving the integrity of open spaces and public areas, promoting harmony in the visual relationships between old and new buildings and protecting important city resources and the neighborhood environment. The proposed legislation is intended to increase heights on approximately 220 lots in the Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plan areas consistent with these purposes.

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

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.
- State legislation amending CEQA and San Francisco Planning Commission resolution replacing level of service (LOS) analysis of automobile delay with vehicle miles traveled (VMT) analysis, effective March 2016 (see “CEQA Section 21099” heading below).
- The adoption of interim controls requiring additional design standards for large project authorizations within the Showplace Square/Potrero Hill and Central Waterfront plan areas of the Eastern Neighborhoods effective February 2016 through August 2017.
- The adoption of 2016 interim controls in the Mission District requiring additional information and analysis regarding housing affordability, displacement, loss of PDR and other analyses, effective January 14, 2016 through April 14, 2017.
- 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 (see initial study Transportation section).
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see initial study Air Quality section).

- 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 initial study Recreation section).
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see initial study Utilities and Service Systems section).
- Article 22A of the Health Code amendments effective August 2013 (see initial study Hazardous Materials section).

REMARKS

The Eastern Neighborhoods Rezoning and Area Plans Final EIR identified less-than significant environmental impacts in the following environmental topic areas: Visual Quality and Urban Design; Population, Housing, Business Activity and Employment (Growth Inducement); Parks, Recreation and Open Space; Mineral and Agricultural Resources; Wind; Utilities and Public Services; Biology; Geology/Topography; Water; and Energy and Natural Resources. The Final EIR found the following effects that can be avoided or reduced to a less-than-significant level with mitigation measures incorporated in the following areas: Archeological Resources; Noise; and Air Quality.

The FEIR found the following significant and unavoidable impacts associated with the adoption of the Eastern Neighborhoods zoning and area plans: Land Use; Transportation, including traffic and transit; Historic Architectural Resources; and Shadow.

As described under "Project Description" on pg. 3 of this Addendum, the proposed UMU Height Amendments would increase allowable heights on approximately 220 parcels by three to eight feet. Because the amendments would rely on base zoning within the UMU district, the land use characteristics of the proposed legislation fall within the range of alternatives included in the Eastern Neighborhoods Rezoning and Area Plans FEIR.

ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

San Francisco Administrative Code Section 31.19(c)(1) states that a modified project must be reevaluated and that "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter."

CEQA Guidelines Section 15164 provides for the use of an addendum to document the basis of a lead agency's decision not to require a Subsequent or Supplemental EIR for a project that is already adequately covered in an existing certified EIR. The lead agency's decision to use an addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines Section 15162, are not present.

Since certification of the EIR, no changes have occurred in the circumstances under which the original project (e.g., zoning and map amendments and adoption of area plans) as currently proposed would be implemented, that would change the severity of the physical impacts of implementing the Mission, Showplace Square/Potrero Hill or Central Waterfront Area Plans as explained herein, and no new information has emerged that would materially change the analyses or conclusions set forth in the FEIR.

Further, the proposed legislation, as demonstrated below, would not result in any new significant environmental impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those

identified in the FEIR. The effects associated with the legislative amendment would be substantially the same as those reported for the project in the Eastern Neighborhoods Rezoning and Area Plans FEIR.

Land Use and Land Use Planning

The Eastern Neighborhood's Final EIR evaluates land use effects based on three adopted criteria: whether a project would physically divide an existing community; 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; or, have a substantial adverse impact on the existing character of the vicinity.

The Eastern Neighborhoods PEIR determined that implementation of the area plans would not create any new physical barriers in the Eastern Neighborhoods because the rezoning and area plans do not provide for any new major roadways, such as freeways that would disrupt or divide the plan area or individual neighborhoods or subareas. The proposed legislation would allow future development projects on certain parcels within the UMU use district to be up to eight feet taller. These height changes would be consistent with the density and intensity of the existing urban environment. The proposed legislation would allow for slightly taller buildings to be constructed but would not cause substantial adverse impact on the existing character of these UMU Districts.

In terms of land use compatibility, adoption of the UMU Height Amendments would encourage the types of uses that already exist in the subject areas. Indeed, the intended purpose of the proposed legislation is to encourage development that would be more in character with the intent of the UMU District; namely, the preservation of PDR uses. Thus, the legislation is not anticipated to result in any land use impacts of greater severity than those reported in the Eastern Neighborhoods FEIR. Further, adoption of the legislation would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

In the cumulative context, the Final EIR found that adoption of the preferred Eastern Neighborhoods use districts and zoning controls would result in a significant, adverse impact in the cumulative supply of land for PDR uses and would not be mitigable without substantial change in use controls on land under Port of San Francisco jurisdiction. The finding was based on supply, demand and land use projections prepared for the Eastern Neighborhoods Final EIR.¹

The FEIR found that industrially-zoned land and PDR building space is expected to decrease over the foreseeable future. The use districts and zoning controls adopted as part of the Eastern Neighborhoods Rezoning and Area Plans project are expected to accommodate housing and primarily management, information, and professional service land uses within the area over time. The proposed legislation is intended to facilitate the development of PDR uses, as well as to implement the Proposition X PDR replacement requirement passed by San Francisco voters in November 2016. The proposed legislation would not result in any new significant land use impacts, substantial increases in the significance of previously identified traffic effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Transportation

¹ *Eastern Neighborhoods Rezoning and Area Plans Final EIR*, p. 77. This document is available for review in Case File No. 2011.1381E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

Vehicle Trips

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, or construction traffic. The PEIR states that in general, the analyses of pedestrian, bicycle, loading, emergency access, and construction transportation impacts are specific to individual development projects, and that project-specific analyses would need to be conducted for future development projects under the Eastern Neighborhoods Rezoning and Area Plans. The proposed legislation could potentially result in an incremental increase in vehicle trips.

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

The intent of the proposed legislation is to facilitate more intensive PDR development of approximately 220 parcels in the Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plan areas. The proposed changes are relatively minor with respect to additional vehicle trips, and to the extent to which the proposed changes incentivize higher residential densities near transit and a wider mix of uses, the proposed legislation could result in a lower number of vehicle trips per capita. While this incremental increase is not anticipated to have an adverse impact on the city's transportation infrastructure, in all cases, individual development projects would be subject to project-specific environmental review. Such review would determine the severity of any transportation impacts and include any appropriate mitigation measures. Therefore, the proposed legislation would not result in any new significant traffic impacts, substantial increases in the significance of previously identified traffic effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Transit

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on transit ridership, and identified seven transportation mitigation measures. Even with mitigation, however, it was anticipated that the significant adverse cumulative impacts on transit lines could not be reduced to a less than significant level. Thus, these impacts were found to be significant and unavoidable.

Implementation of the UMU Height Amendment legislation could potentially result in an incremental increase in the demand for public transit. Any future proposal would be reviewed for its potential to cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity, 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 levels could result. The proposed legislation does not include any physical changes to streets or transit facilities. Therefore, the proposed legislation would not result in any new significant transit impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Pedestrians

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians. The proposed UMU Height Amendment legislation could potentially result in an incremental increase in the demand for pedestrian infrastructure. Any future proposal would be reviewed for its potential to cause a substantial increase in demand for pedestrian infrastructure. The proposed legislation does not include any physical changes to sidewalks, crosswalks or other pedestrian infrastructure, nor does it include any changes that would create overcrowding of neighboring sidewalks, create hazardous conditions for pedestrians or otherwise interfere with pedestrian accessibility. Therefore, the proposed legislation would not result in any new significant pedestrian impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Bicycle

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to bicycles. The proposed UMU Height Amendment legislation could potentially result in an incremental increase in the demand for bicycle infrastructure, as well as potentially contributing to the expansion of bicycle usage through an incremental increase in the provision of on-site and on-street bicycle parking, and shower and locker facilities. The proposed legislation does not include any physical changes to streets or bike routes, nor does it include any changes that would create overcrowding of existing bike routes, create hazardous conditions for bicyclists or otherwise interfere with bicycle accessibility. Any future proposal would be reviewed for its potential to cause a substantial increase in demand for bicycle infrastructure. Therefore, the proposed legislation would not result in any new significant bicycle impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Parking

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Historic Architectural and Archeological Resources

The Eastern Neighborhoods Final EIR found that implementation of areawide zoning controls would result in a significant, adverse environmental impact related to historical resources. Demolition or significant alteration of buildings that are identified as historical resources, potential resources, or age-eligible properties could be anticipated to occur as a result of development subsequent to implementation of the zoning and area plans. The Final EIR indicates that such impacts could occur individually (to single buildings) as well as cumulatively (to known or potential historic districts).

The proposed legislation could result in increased building heights within known historic districts or increased heights that could affect known historic resources. However, the proposed project's height

increases in and of themselves would not result in a material impairment to a historic district or historic building. Any development proposal undertaken in San Francisco is subject to review to determine whether the project would result in potential impacts to the environment, including historical resources. The proposed legislation does not propose changes to those requirements. Therefore, the proposed legislation would not result in a significant effect on historical resources.

The proposed legislation could potentially incentivize development that would not otherwise occur, and this development could include excavation or other construction methods that could disturb archeological resources. The Eastern Neighborhoods FEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less than significant level. Eastern Neighborhoods FEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

Any development proposal undertaken in San Francisco is subject to review to determine whether the project would result in potential impacts to the environment, including archeological resources. Therefore, the proposed legislation would not result in any new significant archeological impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 of the Planning Code because certain parks are not subject to Section 295 of the Planning Code (i.e., under jurisdiction of departments other than the Recreation and Parks Department or privately owned). The Eastern Neighborhoods FEIR could not conclude if the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposals could not be determined at that time. Therefore, the FEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the FEIR.

The Eastern Neighborhoods Final EIR found that adoption of new use districts, associated land use controls and implementation of the area plans could result in significant, adverse shadow impacts on the following parks and open spaces: Victoria Manalo Draves Park, South of Market Recreation Center/Eugene Friend Recreation Center, Alice Street Community Gardens, and South Park in East SoMa; KidPower Park, Franklin Square, Mission Playground, Alioto Mini-Park, 24th and York Mini Park and the James Rolph Playground in the Mission; Potrero del Sol Park and Jackson Playground in Showplace

Square/Potrero Hill; and, Esprit Park, Warm Water Cove and Wood Yard Mini-Park in the Central Waterfront.

The proposed legislation includes parcels that are in the vicinity of Parque Ninos Unidos and Franklin Square in the Mission; Jackson Playground and the Potrero Hill Recreation Center in Showplace Square/Potrero Hill; and Esprit Park in the Central Waterfront. Any future development proposal over 40-feet in height would be subject to the Planning Department's requirement to prepare a shadow study to evaluate project-specific shading impacts to comply with Planning Code Section 295 and CEQA.

The proposed legislation could result in more intensive development on approximately 220 lots. This development could lead to an incremental increase in shading of portions of nearby streets and sidewalks and private property at times. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA.

While new development pursuant to the proposed legislation may result in an incremental increase in new shadow, the proposed legislation would not result in any new significant shadow impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Hazards and Hazardous Materials

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

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, would reduce effects to a less-than-significant level.

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, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, remediation of contaminated soils that are

encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Eastern Neighborhoods Plan area are subject to this ordinance.

Implementation of the UMU Height Amendment would not result in 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. Future projects that may be implemented within the context of the UMU Height Amendment would be required to comply with existing hazardous materials regulations. Therefore the proposed legislation would not result in any new significant hazardous materials impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR

Less than Significant Environmental Effects

The Eastern Neighborhoods Final EIR found that the implementation of area-wide zoning and associated Area Plans would not result any significant environmental impacts in the following areas: Visual Quality and Urban Design; Population, Housing, Business Activity and Employment (Growth Inducement); Parks, Recreation and Open Space; Mineral and Agricultural Resources; Wind; Utilities and Public Services; Biology; Geology/Topography; Water; and Energy and Natural Resources. Each of these topics is analyzed and discussed in detail including, but not limited to, in the Final EIR (and Initial Study or "IS") Chapters: 4.B; 4.C; 4.D; 4.H; 4.M; 6.D; 7.A-C (IS); 8.A-C (IS); 9.A, B (IS); 10.A-C (IS); 11.A-B (IS). Adoption of the proposed SUD would not change these conclusions.

Effects That Can Be Avoided or Reduced to Less than Significant with Mitigation Measures

The Final EIR found that the implementation of area-wide zoning and associated Area Plans would result in potentially significant environmental impacts that may be avoided with implementation of mitigation measures; adoption of the proposed SUD would not alter these conclusions. The Final EIR's mitigation measures, incorporated here by reference, may apply to future development projects that may be developed as a result of the changes included in the proposed legislation, if project-specific review finds that such a project were to result in potentially significant environmental impacts.² The measures are summarized below.

Measure F-1, Construction Noise: requires contractors using pile-driving to incorporate measures during construction to reduce noise effects to nearby noise-sensitive uses. Measures include use of noise shielding and muffling devices and limiting the use of pile-driving, when necessary, during specific times of day.

Measure F-2, Construction Noise: requires contractors to utilize noise attenuation measures during construction to minimize noise effects. Measures may include: temporary barriers around construction sites; noise control blankets; ongoing monitoring of noise attenuation measures through by taking noise measurements; and posting construction schedule, construction contact and complaint procedures for affected parties.

² *Eastern Neighborhoods Rezoning and Area Plans Mitigation Monitoring and Reporting Program*, Planning Commission Motion No. 17659, adopted August 7, 2008. This document is available for review in Case File No. 2011.1381E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

Measure F-5, Siting of Noise Generating Uses: similar to above, this measure directs the Planning Department to require 24-hour exterior noise meter testing prior to any project-specific entitlement to ensure that the siting of potentially noisy land uses do not adversely affect nearby sensitive receptors.

Measure G-3, Siting of Uses that Emit DPM: requires uses that emit diesel particulate matter (DPM), for new for new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, based on the ARB Air Quality and Land Use Handbook, be located no less than 1,000 feet from residential units and other sensitive receptors, including schools, children's day care centers, parks and playgrounds, hospitals, nursing and convalescent homes, and like uses.

Measure G-3, Siting of Uses that Emit Other TACs: requires the preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within 1,000 feet of the project site, prior to the first project approval action for new uses that include commercial, industrial or others that would be expected to generate toxic air contaminants (TACs) as part of everyday operations. This measure shall be applicable, at a minimum, to the following uses: dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; biotechnology research facilities; warehousing and distribution centers; and any use served by at least 100 trucks per day.

Measure J-2, Properties with No Previous Studies: requires preparation of a Preliminary Archeological Sensitivity Study by an archeological consultant with expertise in California prehistoric and urban historical archeology. The Sensitivity Study should: determine the historical uses of the project site based on any previous archeological documentation and Sanborn maps; determine types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources; determine if 19th or 20th century soils-disturbing activities may adversely affected the identified potential archeological resources; assess potential project effects in relation to the depth of any identified potential archeological resource; and include a conclusion assessing whether any CRHP-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action.

Measure L-1, Hazardous Building Materials: requires 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.

CONCLUSION

Based on the foregoing, the Department concludes that the analyses conducted and the conclusions reached in the FEIR certified on August 7, 2008 remain valid, and that no supplemental environmental review is required for the proposed project modifications. Implementation of the proposed UMU Height Amendments would not cause new significant impacts not identified in the FEIR, or result in a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the original project that would cause significant environmental impacts to

which the modified project would contribute considerably, and no new information has been put forward which shows that the modified project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum.

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

DATE 3/1/17



Lisa Gibson, Acting Environmental Review Officer