



SAN FRANCISCO PLANNING DEPARTMENT

Addendum #2 to Environmental Impact Report

Addendum Date: July 5, 2018
Case No.: **2018-006287ENV**
Project Title: Affordable Housing Projects on Undeveloped Lots in SALI Districts
EIR: Western SoMa Community Plan, Rezoning Adjacent Parcels, and
350 Eighth Street Project Final EIR
SCL No. 2009082031, certified December 6, 2012
Zoning: SALI (Service, Arts, Light Industrial) District; 30-X and 40/55-X Height
and Bulk Districts
Block/Lots: Various
Lot Size: Various
Project Sponsor: Supervisor Jane Kim
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The purpose of this Addendum to the Western SoMa Community Plan, Rezoning Adjacent Parcels, and 350 Eighth Street Project Final EIR is to substantiate the Planning Department's determination that no supplemental environmental review is required for the proposed "Affordable Housing Projects on Undeveloped Lots in SALI Districts" legislation (Board of Supervisors File No. 180364). This is 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 Western SoMa Community Plan, Rezoning Adjacent Parcels, and 350 Eighth Street Project. This memorandum describes the proposed legislation's relationship to the Western SoMa Community Plan, Rezoning Adjacent Parcels, and 350 Eighth Street Project, 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 ("the ordinance") that would amend the San Francisco Planning Code to permit affordable housing on 24 parcels located in the Service, Arts, Light Industrial (SALI) Zoning District that are either undeveloped or contain surface parking lots. Sixteen of the parcels are located in the 40/55-X height and bulk district and eight are located in the 30-X height and bulk district. Pursuant to the ordinance, affordable housing projects on those parcels would be subject to the height and bulk restrictions of the 45-X height and bulk district, which could result in developments taller than originally intended under the Western SoMa Community Plan.

PROJECT DESCRIPTION

Background

A final environmental impact report for the Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 Eighth Street Project, file number 2008.0877E, was certified on December 6, 2012. The project analyzed in the EIR ("Project") consists of three separate components: (1) adoption of the Western

SoMa Community Plan (“Plan”); (2) the rezoning of 46 parcels, comprising 35 lots proximate to the Draft Plan boundary in order to reconcile their use districts with those of the neighboring properties (“Rezoning of Adjacent Parcels”); and (3) a mixed-use project proposed at 350 Eighth Street within the Western SoMa Community Plan Area (“Plan Area”), consisting of approximately 444 dwelling units, approximately 33,650 square feet of commercial space, approximately 8,150 square feet of light industrial/artist space, and approximately 1,350 square feet of community space. The modified project analyzed in this addendum relates to the Western SoMa Community Plan, the first component.

Final Environmental Impact Report

The Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 Eighth Street Project Final EIR (“FEIR”) is a comprehensive, programmatic document that analyzes the environmental effects of implementing the Western SoMa Community Plan, the rezoning of 35 lots adjacent to the Plan Area, and a proposed project at 350 Eighth Street, as well as the environmental impacts under several alternative zoning scenarios. 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. The FEIR found Plan-level significant and unavoidable impacts in the areas of cultural and paleontological resources, transportation, noise, air quality, and shadow.

The FEIR included a Greater Growth alternative that addressed the impacts of an additional 341 housing units in the Plan Area. The alternative involved increasing the height limits in order to increase density by 341 more housing units, or an approximately 11 percent increase from the proposed project.¹ The FEIR found that the Greater Growth alternative would result in only incremental contributions to the significant and unavoidable impacts identified in the FEIR and would not increase the severity of any adverse impacts identified in the FEIR.

On September 25, 2013, an addendum to the FEIR was published that examined environmental impacts of 1) additional rezoning of the Adjacent Parcels examined in the EIR; 2) clean-up rezoning of two additional parcels; 3) clean-up rezoning of parcels within the Plan Area that were erroneously zoned during the adoption of the Project; and 4) amendments to the General Plan and Zoning Maps to incorporate Adjacent Parcels into the Market and Octavia and Eastern Neighborhood Plan Area boundaries and expand the boundaries of the Van Ness and Market Downtown Residential Special Use District to include nine Adjacent Parcels proposed for rezoning to C-3-G.

The Addendum concluded that implementation of additional Rezoning of Adjacent Parcels 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.

¹ Plan EIR, Chapter 6, p. 21.

Project Description

Pursuant to Planning Code section 846, SALI – Service/Arts/Light Industrial District, residential uses are generally not permitted in the SALI Zoning District. The proposed project would amend Planning Code section 846 to permit Affordable Housing Projects in areas within SALI Zoning Districts. This includes approximately 24 parcels, which are listed in Table 1, on the following page, and a map of their locations is provided in the Appendix. Pursuant to Planning Code section 803.8(a), an “Affordable Housing Project” includes dwelling units rented, leased or sold at prices affordable to a household whose income is not greater than 80 percent of the median income for households in San Francisco. Affordable housing projects developed pursuant to the ordinance would be subject to the use standards applicable to Residential Uses in the RED-MX (Residential Enclave-Mixed Use) Zoning District and the height and bulk limitations of the 45-X Height and Bulk District. Affordable Housing Projects so defined would be eligible for the 100 Percent Affordable Housing Bonus Program,² which could result in higher-density projects than typically permitted in the RED-MX Zoning District and projects that are taller than those typically permitted in the 45-X Height and Bulk District.

The Planning Department has projected that the 24 parcels that would be affected by the proposed ordinance could result in as many as 629 dwelling units, 251 more than those projected as part of the Greater Growth Alternative in the Western SoMa Community Plan FEIR.³ Eight of the 24 parcels are currently located in the 30-X height and bulk district. Affordable housing projects implemented on any of these eight parcels would be regulated as though they were located within a 45-X height and bulk district, which could result in projects taller than originally envisioned for eight of the 24 affected SALI parcels in the Western SoMa Community Plan.

Regulatory Setting

Planning Code

The 24 subject properties affected by the proposed legislation are located in the Service, Arts, Light Industrial (“SALI”) Zoning District. As stated in Planning Code section 846, the intention of this district is “to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities.” Within SALI, permitted uses include production, distribution and repair uses, such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses in the SALI district include retail, educational facilities, and nighttime entertainment. Housing, except for homeless shelters, is not permitted. Within SALI, office uses are restricted to those related to the Hall of Justice.

The objective of the proposed legislation is to balance the goal of preserving light industrial and arts uses with meeting the need for new affordable housing in the city. Prior to the adoption of the Western SoMa Community Plan, parcels rezoned to SALI were within the Service Light Industrial (SLI) District, which did permit affordable housing. The proposed legislation would permit new affordable housing on parcels in the SALI District that are undeveloped at the time of the adoption of the ordinance.

² <http://sf-planning.org/affordable-housing-bonus-program-ahbp>

³ The figure of 629 dwelling units was derived by multiplying the size of each parcel by 0.75 (to allow for the assumption that 25 percent of each parcel would be taken up by a rear yard), multiplying that number by the assumed height of the building, less one floor that would likely contain commercial or parking uses, and then dividing that number by 1,000 sf, which is the average unit size.

Table 1. Parcels Eligible for Changes Under Proposed Legislation

Parcel Number	Address	Lot Area (sq ft)	Height and Bulk District	Estimated Number of Units
3523012	428 11 th Street	18,073	40/55-X	95
3525068	405 10th Street	3,249	40/55-X	17
3757037	55 McLea Court	1,873	40/55-X	10
3759009	470 Sixth Street	6,750	30-X	35
3759014	820 Bryant Street	1,875	30-X	10
3760002	420 Fifth Street	3,187	30-X	17
3760111	50 Morris Court	3,025	30-X	16
3760112	60 Oak Grove Street	3,460	30-X	18
3760122	975 Harrison Street	2,761	30-X	14
3760125	409 Sixth Street	2,500	30-X	13
3761064	No address	8,546	30-X	45
3779001	500 Sixth Street	4,250	40/55-X	22
3779002	504 Sixth Street	6,124	40/55-X	32
3779028	575 Seventh Street	3,000	40/55-X	16
3779029	33/31 Boardman Pl.	9,000	40/55-X	47
3779054	75 Gilbert Street	2,000	40/55-X	11
3779084	71 Boardman Place	9,783	40/55-X	51
3779112	356 Harriet Street	5,022	40/55-X	26
3779127	819 Bryant Street	1,800	40/55-X	9
3779128	811/815 Bryant Street	5,625	40/55-X	30
3779133	833/835 Bryant Street	15,537	40/55-X	82
3784015	603 Seventh Street	4,084	40/55-X	21
3784071	713 Brannan Street	4,913	40/55-X	26
3784076	No address	5,449	40/55-X	29
Total				692

As noted above, the 24 subject properties affected by the proposed legislation are located in the 30-X and 40/55-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's 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. Affordable housing projects permitted under the proposed ordinance would be required to meet the height and bulk limitations of the 45-X Height and Bulk District.

Changes in the Regulatory Environment

Since the certification of the FEIR in 2012, 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 Western SoMa Plan Area. These policies, regulations, statutes, and funding measures have implemented or will implement mitigation measures or further reduce less-than-significant impacts identified in the FEIR. 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.
- 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.
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015.
- Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014.
- San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014.
- Article 22A of the Health Code amendments effective August 2013.

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.

The FEIR found the significant and unavoidable impacts associated with the adoption of the Western SoMa Community Plan in the following topic areas: cultural and paleontological resources; transportation and circulation; noise and vibration; air quality; and wind and shadow. 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 Western SoMa Community Plan 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 FEIR evaluated 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 FEIR determined that implementation of the area plans would not create any new physical barriers in Western SoMa 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 affordable housing projects on certain parcels within the SALI use district. This land use change would be consistent with the density and intensity of the existing urban environment and would be consistent with the types of uses that already exist throughout Western SoMa Plan Area. Prior to the adoption of the Western SoMa Community Plan, affordable housing was permitted on many of these same parcels, then zoned SLI. The proposed legislation would allow for affordable housing to be constructed but would not cause substantial adverse impact on the existing character of these SALI Districts.

In terms of land use compatibility, adoption of the ordinance would encourage the types of uses that already exist in the plan area and its surroundings, including residential use. Indeed, the intended purpose of the proposed legislation is to balance the need for the preservation of light industrial and arts uses with the need for affordable housing in the city. 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. Thus, the proposed legislation would not result in any new significant land use impacts, substantial increases in the significance of previously identified land use impacts, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Transportation

Vehicle Trips

The FEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, or construction traffic. The FEIR 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 Western SoMa Community Plan. 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 proposed ordinance does not require a detailed transportation study due to the fact that new vehicle and person trips would be dispersed across the SALI district in the plan area and its surroundings, and residential land uses do not typically have high loading demand. The intent of the proposed legislation is to facilitate the development of affordable housing within the SALI zoning district. The proposed changes are relatively minor with respect to potential generation of additional vehicle trips. Furthermore, given the extent to which the proposed zoning changes could incentivize residential development near transit (common in the transit-rich Western SoMa Plan Area), it could result in a lower number of vehicle trips per capita. It is known that affordable units generate less vehicles trips than market-rate housing units. Moreover, new dwelling units that would be constructed pursuant to this legislation would be dispersed throughout the Western SoMa plan area. While this incremental increase is not anticipated to have an adverse impact on the city's transportation infrastructure, future individual development projects on the 24 parcels proposed for rezoning to allow affordable housing 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 FEIR anticipated that growth resulting from the zoning changes would result in less than significant impacts on transit, as measured through capacity utilization standards, transit delay, and transit operating costs.

Implementation of the ordinance 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 FEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians. The proposed ordinance 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 FEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to bicycles. The proposed “Affordable Housing Projects on Undeveloped Lots in SALI Districts” legislation could potentially result in an incremental increase in the demand for bicycle infrastructure, as well as potentially contribute 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.

Cultural and Paleontological Resources

The FEIR found that implementation of the Western SoMa Community Plan 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 was anticipated to occur as a result of development subsequent to implementation of the zoning and Community Plan.

The proposed legislation would only apply to currently undeveloped lots, lots without habitable structures and surface parking lots in the SALI zoning district. The legislation therefore does not affect

any existing habitable structures, historical or otherwise, and would not be anticipated to result in any adverse impacts on historic resources. Nevertheless, any future development proposal undertaken in the Western SoMa Plan Area under the proposed legislation would be subject to further environmental 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, it would not increase the severity of the historical resources impact, result in new or substantially different effects than were identified in the FEIR, or require new or modified mitigation measures related to this topic.

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 FEIR determined that implementation of the Western SoMa Community Plan could result in significant impacts on archeological resources and identified two mitigation measures that would reduce these potential impacts to a less than significant level. Western SoMa FEIR Mitigation Measure M-CP-4a: Project-Specific Preliminary Archeological Assessment requires projects involving any soil-disturbing or soil-improving activities to be subject to a Preliminary Archeological Review to determine whether the proposed project could adversely affect archeological resources. Mitigation Measure M-CP-4b: Procedures for Accidental Discovery of Archeological Resources can also be applied to avoid any potential adverse effect on accidentally-discovered historical resources. 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, and would be subject to the mitigation measures identified in the FEIR to ensure any impacts to archeological resources are less than significant. 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.

Noise and Vibration

The FEIR found that implementation of the Western SoMa Community Plan would result in a significant, adverse environmental cumulative impact related to noise. Cumulative development could result in increased ambient noise levels related to higher traffic volumes on Harrison and Ninth Streets and the Plan itself could result in increases of ambient noise due to increased truck traffic due to the posting of truck route signs. The FEIR included a number of mitigation measures to reduce noise-related impacts, including Mitigation Measure M-NO-1b, Siting of Noise-Sensitive Uses and Mitigation Measure M-NO-1c, Siting of Noise-Generating Uses.

The proposed legislation would facilitate the development of affordable housing on parcels currently in the SALI zoning district. As the SALI zoning district currently permits light industrial, arts and nighttime entertainment uses, the legislation's amendments allowing residential development on these parcels would likely result in reduced noise impacts as compared to what was identified in the FEIR, since residential uses tend to generate noise at levels below those typically associated with light industrial and entertainment uses. As discussed in the Transportation section, above, the incremental increase in vehicle trips associated with new residential development would not be anticipated to be at levels that would increase existing ambient noise levels. Additionally, the construction characteristics associated with developing affordable housing (for example, equipment and construction durations) are not

substantially different or necessarily more intense than construction of other types of uses that are currently permitted under the existing SALI zoning district regulations. Nevertheless, future affordable housing projects would be required to undergo project-specific environmental analysis, would be subject to any applicable mitigation measures identified in the FEIR, and would be required to comply with the San Francisco Noise Ordinance. Therefore, the proposed ordinance would not result in new, or more severe, noise impacts beyond what were previously identified in the FEIR.

Air Quality

The FEIR found that implementation of the Western SoMa Community Plan could result in a significant, adverse environmental impact related to air quality. Individual development projects, if large enough, could result in significant effects related to emissions of criteria air pollutants, even if the overall plan is determined to have a less-than-significant impact. The potential exists for individual developments within the Plan Area to generate vehicle trips that would result in a significant increase in criteria air pollutants. The FEIR designates projects that would generate more than 3,500 daily vehicle trips as the types of developments that could result in a significant air quality impact. In addition, the Bay Area Air Quality Management District has developed screening criteria to determine whether development projects could result in a significant criteria pollutant impact under CEQA.⁴ For operations-related pollutant emissions, the screening criteria for mid-rise residential units is 434 dwelling units.

As shown in Table 1, the parcels eligible for the development of affordable housing under the proposed legislation would not accommodate development of a size that could generate 3,500 vehicle trips per day, nor would individual projects include more than 434 dwelling units. Therefore, the proposed legislation would not result in a new, or more severe, criteria pollutant-related air quality impact that was not already disclosed in the FEIR.

The FEIR also identified a significant and unavoidable air quality impact due to the Plan's potential to expose new future residents to existing concentrations of fine particulate matter and toxic air contaminants. In the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015,⁵ subsequent to the certification of the FEIR, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the project would significantly exacerbate an existing environmental condition. Therefore, unlike the FEIR, this addendum does not analyze the impacts of existing air quality on future residents of the Plan Area since none of the individual projects that could be incentivized under the proposed legislation would be of sufficient size to exacerbate the existing air quality. Nevertheless, parcels subject to the proposed legislation are located in an Air Pollution Exposure Zone (APEZ) and subject to Article 38 of the Health Code. The purpose of Article 38 is to protect the public health and welfare by establishing an APEZ and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. Thus, future housing projects pursuant to the proposed legislation that are located in the APEZ would be required to install enhanced ventilation systems to protect the health of future occupants of those buildings. In addition, projects within the APEZ require special consideration to determine whether the project's

⁴ Bay Area Air Quality Management District, Air Quality Guidelines, May 2017. Pg 3-2.

⁵ *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal.4th 369. Opinion Filed December 17, 2015.

activities would add a substantial amount of emissions to areas already adversely affected by poor air quality.

The FEIR did find that implementation of the Draft Plan would result in construction-period emissions of criteria air pollutants, including ozone precursors, from subsequent individual development projects that would contribute to an existing or projected air quality violation or result in a cumulatively considerable increase in criteria pollutants, and identified a significant and unavoidable air quality impact, even with mitigation. Mitigation Measure M-AQ-6: Construction Emissions Minimization Plan for Criteria Pollutants was adopted under the FEIR to require the analysis of subsequent development projects'-related air quality emissions and to adopt measures to reduce those emissions to the greatest degree practicable. Mitigation Measure M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards was similarly adopted under the FEIR to reduce the potential health risk resulting from project construction activities. Similar to all proposed development under the Western SoMa Community Plan, affordable housing projects developed pursuant to the proposed ordinance would be subject to these mitigation measures. Additionally, the construction equipment used for the development of affordable housing projects would not be notably different than the construction equipment that would likely be used for projects currently permitted under SALI zoning and analyzed in the FEIR. The proposed legislation would not result in any new significant land use impacts, substantial increases in the significance of previously identified air quality effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR.

Wind

The FEIR found that future development that could be encouraged by the Western SoMa Community Plan has the potential to result in significant wind impacts on public areas, particularly on "Adjacent Parcels" that are zoned for height limits of up to 160 feet. Wind impacts are typically analyzed for proposed projects that are 80 feet in height or taller or located in zoning districts with specific wind criteria. The proposed ordinance would allow residential development on sites where it is not currently permitted, and, with the implementation of San Francisco's Affordable Housing Density Program, could result in projects up to 75 feet in height. As the proposed ordinance would not result in projects that are 80 feet tall or higher, nor would apply to parcels that are located in zoning districts with specific wind criteria (pursuant to section 148 of the Planning Code), the proposed ordinance would neither increase the severity of the wind impact, result in new or substantially different effects, nor require new or modified mitigation measures in this topic area.

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. The FEIR concluded that shadow impacts would be significant and unavoidable for the Howard-Langton Mini Park and the Victoria Manolo Draves Park.

The Planning Department prepared a preliminary shadow fan to analyze the potential for shadow to be cast on properties subject to Planning Code section 295 or any other public open space by Affordable Housing Projects that may be developed pursuant to the proposed ordinance (as a result of future

development with the proposed legislation).⁶ To analyze the most conservative scenario, the shadow fan assumed that each parcel would include a 75-foot-tall development that would cover the entire parcel area, and did not take into account any differences in elevation or intervening buildings or structures. The shadow fan indicated that a 75-tall development at 409 Sixth Street could cast shadow on a small portion of the southeast corner of Manolo Draves Park. As indicated above, the FEIR indicated that development pursuant to the Western SoMa Community Plan could result in significant and unavoidable shadow impacts on Manolo Draves Park, so shadow cast by any development at 409 Sixth Street would not result in shadow impacts that were not already identified in the FEIR. The shadow fan also indicated that a 75-foot-tall development on an unaddressed parcel (Block 3761, Lot 064) on the southwest corner of the intersection of Fourth and Harrison streets could cast shadow on the playground of Bessie Carmichael Middle School. However, new shadow would be cast to effectively the same extent by any development (with or without the proposed legislation) undertaken under the current height limit of 30-X.⁷ That is, development undertaken under the ordinance would not result in any new net shadow on Carmichael Middle School that would not already occur as a result of development permitted under existing zoning and height and bulk regulations of the SALI district in Western SoMa, as analyzed in the FEIR. The shadow fan indicated that no other development pursuant to the proposed ordinance would cast new shadow on any properties subject to Planning Code section 295, including the Howard-Langton Mini Park and the Victoria Manolo Draves Park. All proposed projects more than 40 feet in height would also be subject to project-specific shadow analysis as part of their environmental review. Therefore, because of the reasons above, the proposed ordinance would not result in a new, or more severe, shadow impact than what was identified in the FEIR.

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 FEIR noted that implementation of any of the proposed project's rezoning options would encourage construction of new development within the project area. The FEIR 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 FEIR 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 FEIR 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 FEIR 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.

⁶ SF Planning, *Shadow Fan for Affordable Housing in SALI District*, June 29, 2018.

⁷ SF Planning, *Shadow Fan for 3761/064*, June 29, 2018.

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 FEIR 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 Western SoMa Community Plan Area are subject to this ordinance.

Implementation of the ordinance 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 ordinance 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 FEIR found that the implementation of area-wide zoning and associated with the Western SoMa Community Plan would not result any significant environmental impacts in the following areas: land use; aesthetics; population and housing; greenhouse gas emissions; recreation; public services, utilities and service systems; geology and soils; hydrology and water quality; mineral and energy resources; and agriculture and forest resources. Each of these topics is analyzed and discussed in detail including, but not limited to, in the FEIR Chapters: 4.A; 4.B; 4.C; 4.H; 4.J; 4.K; 4.M; 4.P and 4.Q. Adoption of the proposed ordinance would not change these conclusions.

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

The FEIR found that the implementation of Western SoMa Community Plan would result in potentially significant environmental impacts that may be avoided with implementation of mitigation measures; adoption of the proposed ordinance 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.⁸ The measures are summarized below.

⁸ Western SoMa Community Plan, Rezoning of Adjacent Parcels and 850 8th Street Project Mitigation Monitoring and Reporting Program, Planning Commission Motion No. 18756, adopted December 6, 2012. This document is available for review in Case File No. 2008.0877E and 2007.1035E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

Measure M-CP-1a, Documentation of Historical Resource: requires the sponsors of individual projects that would cause a substantial adverse change in the significance of a historical resource through demolition prepare Historic American Buildings Survey (HABS)-level photographs and an accompanying HABS Historical Report, which shall be maintained onsite, as well as in the appropriate repositories.

Measure M-CP-1b, Oral Histories: requires the project sponsor to undertake an oral history project that includes interviews of people such as residents, past owners, or former employees for projects that would demolish a historical resource for which Planning Department preservation staff determined that such a measure would be effective and feasible. Copies of the completed oral history project shall be submitted to the San Francisco Public Library or other interested historical institutions.

Measure M-CP-1c, Interpretive Program: requires the project sponsor work with a Historic Preservation Technical Specialist or other qualified professional to institute an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district.

Measure M-CP-4a, Project-Specific Preliminary Archeological Assessment: requires an evaluation of the potential archeological effects of a proposed individual project that involves any soils-disturbing or soils-improving activities to a depth of five (5) feet or greater below ground surface and located within those properties on the Adjacent Parcels for which no archeological assessment report has been prepared.

Measure M-CP-4b, Procedures for Accidental Discovery of Archeological Resources: requires the project head foreman and/or project sponsor to immediately notify the Environmental Review Officer (ERO) and immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined additional measures that should be undertaken to avoid any potential adverse effect on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c).

Measure M-CP-7a, Protect Historical Resources from Adjacent Construction Activities: requires the project sponsor of a development project in the Adjacent Parcels to consult with Planning Department environmental planning/preservation staff to determine whether adjacent or nearby buildings constitute historical resources that could be adversely affected by construction-generated vibration. If one or more historical resources is identified that could be adversely affected, the project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings.

Measure M-CP-7b, Construction Monitoring Program for Historical Resources: requires that for or those historical resources identified in Mitigation Measure M-CP-7a, and where heavy equipment would be used on a subsequent development project, the project sponsor of such a project shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired.

Measure M-NO-1c, Siting of Noise-Generating Uses: requires the project sponsor of new development including commercial, industrial, or other uses that would be expected to generate noise levels in excess of ambient noise, to reduce potential conflicts between existing sensitive receptors and new noise-generating uses, by preparing an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses (primarily, residences, and also including schools and child care, religious, and convalescent facilities and the like) within two blocks or 900 feet of, and that have a direct line-of-sight to, the project site, and at least one 24-hour noise measurement (with average and maximum noise level

readings taken so as to be able to accurately describe maximum levels reached during nighttime hours), prior to the first project approval action. The analysis shall be conducted prior to completion of the environmental review process

Measure M-NO-2a, General Construction Noise Control Measures: requires that the project sponsor minimize construction noise from the project to the maximum extent feasible by ensuring that equipment and trucks used for project construction use the best available noise control techniques, limit and reduce noise from stationary noise sources, avoid noise associated with compressed air exhaust from pneumatically powered tools, undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible, and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible. Finally, prior to the issuance of each building permit, along with the submission of construction documents, the sponsor of a subsequent development project shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise.

Measure M-NO-2b, Noise Control Measures During Pile Driving: requires that sponsors for individual projects within the Adjacent Parcels that require pile driving complete a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant.

Measure M-AQ-2, Transportation Demand Management Strategies for Future Development: requires project sponsors develop and implement a Transportation Demand Management (TDM) plan as a requirement of project approval in order to reduce vehicle trip generation for such projects that would generate more than 3,500 daily vehicle trips, or would emit criteria pollutants in excess of one or more applicable significance thresholds, as determined by the Environmental Review Office.

Measure M-AQ-4, Siting of Uses that Emit PM_{2.5} or DPM and Other TACs: requires the preparation of an analysis by a qualified air quality specialist that includes, at a minimum, a site survey to identify residential or other sensitive receptors within 1,000 feet of the project site, and assessment of the health risk from all potential stationary and mobile sources of TACs generated by the proposed project.

Measure M-AQ-6, Construction Emissions Minimization Plan for Criteria Air Pollutants: requires project sponsors of subsequent development projects that may exceed the standards for criteria air pollutants to undergo an analysis of the project's construction emissions and if, based on that analysis, construction period emissions may be significant, submit a Construction Emissions Minimization Plan to the Environmental Review Officer for review and approval by an Environmental Planning Air Quality Specialist.

Measure M-AQ-7, Construction Emissions Minimization Plan for Health Risks and Hazards: requires the project sponsor of each development project in the Draft Plan Area or on Adjacent Parcels to undertake a project-specific construction health risk analysis performed by a qualified air quality specialist, as appropriate and determined by the Environmental Planning Division of the San Francisco Planning Department.

Measure M-WS-1, Screening-Level Wind Analysis and Wind Testing: requires that projects within the Adjacent Parcels undergo a Screening-Level Wind Analysis, and if required, a Project-Level Wind Test and Design Modifications.

Measure M-BI-1a, Pre-Construction Special-Status Bird Surveys: requires that conditions of approval for building permits issued for construction on the Adjacent Parcels include a requirement for pre-construction special-status bird surveys when trees would be removed or buildings demolished as part

of an individual project. Preconstruction special-status bird surveys shall be conducted by a qualified biologist between February 1 and August 15 if tree removal or building demolition is scheduled to take place during that period. Special-status birds that establish nests during the construction period are considered habituated to such activity and no buffer shall be required, except as needed to avoid direct destruction of the nest, which would still be prohibited.

Measure M-BI-1b, Pre-Construction Special-Status Bat Surveys: requires that conditions of approval for building permits issued for construction on the Adjacent Parcels include a requirement for pre-construction special-status bat surveys by a qualified bat biologist when large trees (those with trunks over 12 inches in diameter) are to be removed, or vacant buildings or buildings used seasonally or not occupied, especially in the upper stories, are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer shall be created around active bat roosts being used for maternity or hibernation purposes at a distance to be determined in consultation with the California Department of Fish and Wildlife

Measure M-HZ-2, Hazardous Building Materials Abatement: requires that the subsequent project sponsors ensure that any equipment containing polychlorinated biphenyls (PCBs) or mercury, 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 tube fixtures, which could contain mercury, are similarly removed intact 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.

Measure M-HZ-3, Site Assessment and Corrective Action: requires that the subsequent project sponsor shall ensure that a site-specific Phase I environmental site assessment is prepared prior to development. Where the Phase I site assessment indicates evidence of site contamination, additional data shall be gathered during a Phase II investigation. If the level(s) of chemical(s) would create an unacceptable risk to human health or the environment, appropriate cleanup levels for each chemical, based on current and planned land use, shall be determined in accordance with accepted procedures. If agreed-upon cleanup levels were exceeded, a remedial action plan or similar plan for remediation shall be prepared and submitted review and approval by the appropriate regulatory agency. Upon determination that a site remediation has been successfully completed, the regulatory agency shall issue a closure letter to the responsible party. For sites that are cleaned to levels that do not allow unrestricted land use, or where containment measures were used to prevent exposure to hazardous materials, there may be a limitation on the future use of the property. The types of land use restriction include deed notice, deed restriction, or a land use restriction that binds current and future owners. A risk management plan, health and safety plan, and possibly a cap maintenance plan could be required. The requirements of these plans and the land use restriction shall transfer to the new property owners in the event that the property is sold.

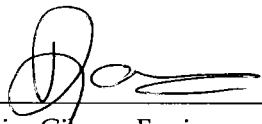
CONCLUSION

Based on the foregoing, the Department concludes that the analyses conducted and the conclusions reached in the FEIR certified on December 2012 remain valid, and that no supplemental environmental review is required for the proposed project modifications. Implementation of the proposed ordinance 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 July 5, 2018

for _____
Lisa Gibson, Environmental Review Officer

Potential Eligible Parcels under SALI Legislation (Appendix)

