



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** October 18, 2019

**TO:** San Francisco Planning Commission

**FROM:** Michael Li, Planning Department, Environmental Planning Division

**RE:** Appeal of Preliminary Mitigated Negative Declaration for 65 Ocean Avenue, Assessor's Block 6954, Lot 018, Planning Department Case No. 2016-006860ENV

**HEARING DATE:** October 24, 2019

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

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An appeal has been received concerning a preliminary mitigated negative declaration for the following project:

## **Case No. 2016-006860ENV - 65 Ocean Avenue**

The project site (Assessor's Block 6954, Lot 018) is an irregularly shaped 40,497-square-foot parcel that fronts three streets: Cayuga Avenue on the west, Ocean Avenue on the north, and Alemany Boulevard on the east. The proposed project consists of the demolition of three existing buildings on the project site and construction of an approximately 55-foot-tall, 191,374-gross-square-foot (gsf) building containing 193 dwelling units, a 5,942-gsf childcare facility, and basement-level garage with a total of 121 parking spaces. The building would vary in height from four stories on Cayuga Avenue to five stories on Ocean Avenue to six stories on Alemany Boulevard. Vehicular access to and from the basement-level garage would be provided on Cayuga Avenue. Construction of the proposed project occur over 25 months. The project site is in the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

This matter is calendared for public hearing on October 24, 2019. Enclosed are the appeal letter, the staff response, the amended mitigated negative declaration, and the draft motion.

If you have any questions related to this project's environmental evaluation, please contact me at (415) 575-9107 or [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org).

Thank you.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Appeal of Preliminary Mitigated Negative Declaration Executive Summary

HEARING DATE: October 24, 2019

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*Date:* October 18, 2019  
*Case No.:* **2016-006860ENV**  
*Project Address:* **65 Ocean Avenue**  
*Zoning:* Excelsior Outer Mission Street Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
*Block/Lot:* 6954/018  
*Project Sponsor:* Jody Knight, Rueben, Junius, & Rose, LLP  
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*Staff Contact:* Michael Li – (415) 575-9107  
[michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)

### PROPOSED COMMISSION ACTION:

Consider whether to uphold staff's decision to prepare a Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA), or whether to overturn that decision and require the preparation of an Environmental Impact Report due to specified potential significant environmental effects of the proposed project.

**PROJECT DESCRIPTION:** The proposed project at 65 Ocean Avenue is located in San Francisco's Outer Mission neighborhood. The project site (Assessor's Block 6954, Lot 018) is an irregularly shaped 40,497-square-foot parcel that fronts three streets: Cayuga Avenue on the west, Ocean Avenue on the north, and Alemany Boulevard on the east. The proposed project consists of the demolition of three existing buildings on the project site and construction an approximately 55-foot-tall building (with an additional 9 foot mechanical penthouse) containing 193 dwelling units, a 5,952-gross-square-foot (gsf) childcare facility, and a one-story, basement-level garage with a total of 121 parking spaces. The dwelling units would be a mix of studios and one-, two-, and three-bedroom units. The building would contain approximately 190,215 gsf and would vary in height from four stories (40 feet) on Cayuga Avenue to five stories along Ocean Avenue to six stories (55 feet) on Alemany Boulevard. Vehicular access to and from the basement-level garage would be provided from on Cayuga Avenue. The existing curb cut along the site on Cayuga Avenue would be reduced in width from 80 feet to 20 feet, and the existing curb cut on Ocean Avenue would be removed. The passenger loading zone for the childcare facility would located be on Alemany Boulevard. A total of 147 bicycle parking spaces would be provided (Class 1 spaces in the basement-level garage and Class 2 spaces on the sidewalks adjacent to the project site). A total of approximately 17,750 square feet of usable open space for the residents of the proposed project would be provided in the form of interior courtyards on the ground floor and roof decks at the fourth and fifth floors.

## ISSUES:

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on September 18, 2019, and received an appeal letter from People Organizing to Demand Environmental & Economic Rights (PODER) on October 8, 2019, appealing the determination to issue a MND. The appeal letter states that the PMND fails to adequately address the following issues:

1. The proposed project's compatibility with existing zoning and plans: The PMND does not discuss the Excelsior & Outer Mission Neighborhood Strategy.
2. Cumulative context of development projects: The PMND does not consider all of the cumulative development projects in the neighborhood.
3. Cumulative traffic impacts and vehicle miles traveled: The PMND underestimates the number of vehicle miles traveled and, therefore, underestimates what the cumulative traffic impacts would be.
4. Impacts associated with population growth. The proposed project would exacerbate issues related to increased rents, displacement, and gentrification.

No other comments (not appeals of the PMND) were received. All of the issues raised in the Appeal Letter and other comments have been addressed in the attached materials, which include:

1. A draft Motion upholding the decision to issue a MND;
2. Exhibit A to draft Motion, Planning Department Response to the Appeal Letter;
3. Response to the Appeal of the PMND from John Kevlin, attorney to the project
4. sponsor;
5. Appeal Letter;
6. PMND and Initial Study as amended, with deletions shown in ~~striketrough~~ and additions shown in underline. The amendments to the PMND and Initial Study do not change the overall conclusions.

## RECOMMENDATION:

Staff recommends that the Planning Commission adopt the motion to uphold the PMND. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. By upholding the PMND (as recommended), the Planning Commission would not prejudice or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion [XXXX]

HEARING DATE: October 24, 2019

*Hearing Date:* **October 24, 2019**  
*Case No.:* **2016-006860ENV**  
*Project Address:* **65 Ocean Avenue**  
*Zoning:* Excelsior Outer Mission Street Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
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*Project Sponsor:* Jody Knight, Rueben, Junius, & Rose, LLP  
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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2016-006860ENV FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 65 OCEAN AVENUE.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On May 20, 2016, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On September 18, 2019, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On September 18, 2019, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On October 8, 2019, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Antonio Diaz of People Organizing to Demand Environmental & Economic Rights (PODER).
5. A staff memorandum, dated October 18, 2019, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that



memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1660 Mission Street, Suite 500.

6. On October 24, 2019, amendments were made to the Preliminary Mitigated Negative Declaration, adding the changes to the project description. Such amendments do not include new, undisclosed environmental impacts and do not change the conclusions reached in the Preliminary Mitigated Negative Declaration. The changes do not require “substantial revision” of the Preliminary Mitigated Negative Declaration, and therefore recirculation of the Preliminary Mitigated Negative Declaration would not be required.
7. On October 24, 2019, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the October 24, 2019 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
9. After consideration of the points raised by appellant, both in writing and at the October 24, 2019 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department’s case file.
11. The Planning Commission finds that Planning Department’s determination on the Mitigated Negative Declaration reflects the Department’s independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on October 24, 2019.

Jonas Ionin  
Commission Secretary

**Motion No. XXXXXX**  
**Hearing Date: October 24, 2019**

**Case No. 2016-00686ENV**  
**65 Ocean Avenue**

AYES:

NOES:

ABSENT:

ADOPTED:     October 24, 2019



## **Exhibit A to Draft Motion Planning Department Response to Appeal of Preliminary Mitigated Negative Declaration**

**Planning Case No. 2016-006860ENV – 65 Ocean Avenue published on September 18, 2019**

### **BACKGROUND**

The project sponsor submitted an application (2016-006860ENV) for the proposed project at 65 Ocean Avenue on May 20, 2016 to demolish three existing buildings on the project site and construct an approximately 55-foot-tall building containing 193 dwelling units, a 5,952- gsf childcare facility, and basement-level garage with a total of 121 parking spaces. The building would contain approximately 190,215 gsf and would vary in height from four stories (40 feet) on Cayuga Avenue to five stories along Ocean Avenue to six stories (55 feet) on Alemany Boulevard. Vehicular access to and from the basement-level garage would be provided on Cayuga Avenue. Construction of the proposed project would occur over 25 months. The project site is in the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The proposed project would require approval of a HOME-SF Project Authorization.

The San Francisco Planning Department (planning department) issued a preliminary mitigated negative declaration (PMND) for the proposed project on September 18, 2019.

### **APPEAL FILED**

People Organizing to Demand Environmental & Economic Rights (PODER) (appellant) submitted by Antonio Diaz on October 8, 2019. A copy of the appeal letter is included with this appeal response packet.

### **PLANNING DEPARTMENT RESPONSES**

The concerns raised in the appeal letter are addressed in the responses below.

**Response 1: The PMND adequately addressed the 65 Ocean Avenue project's compatibility with existing land use plans and policies.**

The appellant asserts that the PMND is missing analysis of the project's compatibility with existing land use plans and policies because it does not reference the Excelsior Outer Mission Neighborhood Strategy, which was convened by District Supervisor Ahsha Safai and facilitated by the San Francisco Planning Department (planning department) in 2017.

The Excelsior & Outer Mission Neighborhood Strategy (Excelsior Strategy) is not an adopted plan; it is a series of strategies developed by community members with the guidance of the planning department, the Mayor's Office of Economic and Workforce Development, the Excelsior Action Group (EAG), and Supervisor Ahsha Safai's office to improve and enhance the Excelsior, Outer Mission, Mission Terrace, Crocker Amazon, and Cayuga neighborhoods. The Excelsior Strategy was completed and published in November 2018.

The completion of the Excelsior Strategy has not resulted in an adopted plan or in legislation to amend the zoning controls for these neighborhoods. Because the Excelsior Strategy did not result in an adopted plan, CEQA does not require the PMND to discuss the proposed project's compatibility with the strategies that were adopted in connection with the Excelsior Strategy. Instead, pursuant to the Appendix G of the CEQA Guidelines, the PMND was required to analyze the project's potential to result in physical environmental impacts due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Land use impacts would be considered significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those that directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. Examples of such plans, policies, or regulations include the Bay Area Air Quality Management District's 2017 Clean Air Plan and the San Francisco Regional Water Quality Control Board's San Francisco Basin Plan. The proposed project would not substantially conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect including Article 10 of the San Francisco Planning Code, the 2017 Clean Air Plan, San Francisco's Strategies to Address Greenhouse Gas Emissions (GHG Reduction Strategy) and the San Francisco Urban Forestry Ordinance. The Excelsior & Outer Mission Neighborhood Strategy does not contain zoning or plans that the proposed project would conflict with, resulting in a physical environmental effect. The PMND determined that the project would result in a less-than-significant impact related to conflicts with land use plans, policies, or regulations.

Although CEQA does not require that the PMND discuss the project's compatibility with the Excelsior Strategy, the planning department notes that the proposed project is generally consistent with Strategy LUH 1.1, which asks the City "to develop a corridor-wide housing plan for a range of income levels for both renters and homeowners." The proposed project would provide a total of 193 dwelling units, including 48 below-market-rate units at varying levels of affordability (55, 80, and 110 percent of area median income). Furthermore, the Excelsior Strategy includes ideas such as "Encourage the use of existing density bonus programs, like Home SF..." and "Study a range of building height and density limits in the context of this neighborhood to allow more housing" and "Enable 'life cycle housing' so that someone can raise a family and find housing for their golden years without leaving the neighborhood."

**Response 2: The PMND adequately addressed the impacts of the proposed project, in combination with past, present, and reasonably foreseeable future projects.**

As stated in Section B, Project Setting, of the PMND, "the cumulative context for land use effects are typically localized, within the immediate vicinity of the project site, or at the neighborhood level." The

project vicinity is defined as within approximately a quarter-mile radius of the project site. The analysis of cumulative impacts typically considers other proposed development projects that are within a quarter-mile radius of the project site. Cumulative development projects that are farther than a quarter-mile from a project site are often too far away to combine with a proposed project to result in cumulative impacts.

In the case of 65 Ocean Avenue, the cumulative context includes four cumulative development projects within a quarter-mile radius of the project site, which includes the following projects:

- Case No. 2015-001961ENV: 350 Ocean Avenue (construction of mixed-use building with 24 dwelling units, approximately 1,225 sf of commercial space, and 12 parking spaces)
- Case No. 2015-003791ENV: 203 Cotter Street (demolition of existing greenhouse and storage sheds and construction of a 15,400-sf private school (Golden Bridges school) serving kindergarten through eighth grade)<sup>1</sup>
- Case No. 2016-012545ENV: 4840 Mission Street (construction of residential building with 134 dwelling units and 24 parking spaces)
- Case No. 2016-013850ENV: 915 Cayuga Avenue (demolition of existing building and construction of mixed-use building with 116 dwelling units, approximately 400 sf of commercial space, and 69 parking spaces)

For some topics, the cumulative context may be expanded to include a larger geographic area; for example the analysis of cumulative transportation impacts for 65 Ocean Avenue used a half-mile radius around the project site. This is because the project generated vehicle trips can combine with cumulative projects at a further distance than for environmental topics such as noise and vibration, which have more localized impacts.

The analysis of cumulative impacts for all environmental topics in the PMND is consistent with the standard approach used by the planning department. The appellant has provided no additional information or substantial evidence in the record that the project would cause cumulative impacts that were not already identified in the PMND.

The appellant states that the majority of units at nearby cumulative development projects represent higher-end development and cites an urban planning researcher's conclusion that such units would "reinforce the effects of income inequality rather than tempering them." Concerns have been raised in general throughout the City regarding the loss of middle-income jobs and affordable housing. Evidence of social or economic impacts (e.g., rising property values, increasing rents, changing neighborhood demographics) that do not contribute to, or are not caused by, physical impacts on the environment are not substantial evidence of a significant effect on the environment. Social and economic effects are only relevant under CEQA if they would result in or are caused by an adverse physical impact on the

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<sup>1</sup> The project site is currently home to the Golden Bridges school, and this school is proposing to relocate to 203 Cotter Street.

environment. The appellant has not provided any specific examples of such impacts. Socioeconomic impacts are discussed further under Response 4.

The appellant also states “we believe that the cumulative impact of all this unplanned growth will result in substantial impacts ...” without providing any specific examples of adverse physical environmental impacts. As discussed in Section E.2, Population and Housing, Impact PH-1, of the PMND, the Association of Bay Area Governments has projected that San Francisco’s population will grow by 364,250 persons between 2010 and 2040. Implementation of the proposed housing project would help alleviate the demand for additional housing generated by this anticipated growth.

**Response 3: The PMND adequately addressed the project and cumulative transportation impacts of the 65 Ocean Avenue project.**

Regarding the appellant’s comment:

**“We believe the PMND significantly underestimates the cumulative traffic impacts induced by the project. As a result of this project, we believe the project area will experience unforeseen changes in traffic patterns that have not yet been evaluated.**

**Given that prospective tenants in the proposed 65 Ocean development would likely have to earn two to three times the median household income in the district to rent one of the market-rate apartments in the building, it is safe to assume that the majority of residents will be upscale high-income earners. Studies have shown that higher income residents are higher users of rideshare transportation such as Lyft and Uber. Moreover, higher income residents are also known to have increased frequency of “amazon” deliveries, resulting in increased frequency of truck deliveries.”**

The project’s transportation analysis in the PMND, including both project and cumulative level analysis, is based on the analysis, findings, and information contained in a transportation circulation memorandum and a supplemental memorandum prepared for the proposed project.<sup>2,3</sup>

Appellant suggests that there would be a higher demand of rideshare and deliveries by higher income residents. This statement is consistent with recent studies. However, even considering the potential for such higher usage of these services by higher income residents, the project’s transportation impact analysis of passenger and freight loading demand is still more conservative compared to the above noted recent trends.

The planning department used the most up-to-date transportation impact analysis guidelines assumptions at the time of the projects transportation analysis, which were the 2002 transportation impact analysis guidelines (TIA guidelines). Since the 65 Ocean Avenue project’s transportation analysis was completed for the 65 Ocean Avenue project, the department updated its TIA guidelines in February 2019. The 2019 TIA guidelines estimated trip generation, mode split, and loading demand rates by land use type (residential, office, retail, and hotel) and land use context place type (urban high density, urban

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<sup>2</sup> Kittelson & Associates, 65 Ocean Avenue Transportation Circulation Memorandum, August 1, 2019.

<sup>3</sup> Kittelson & Associates, 65-99 Ocean Avenue, Circulation Memo Supplement: Project Description Changes, September 13, 2019.

medium density, and urban low density) based on intercept surveys of 65 San Francisco sites in 2016 and 2017. The planning department conducted these intercept surveys at sites with newer construction market rate buildings that reflected different demographics and travel behaviors than found in older buildings in the same neighborhood. For example, an intercept survey was conducted at the newer 1150 Ocean Avenue building, which is approximately one mile from the project site.

Table 1 below compares the estimated project travel demand based on the 2002 TIA guidelines and the 2019 TIA guidelines. The project's estimated passenger loading (based on the 2019 TIA guidelines), including TNC passenger loading instances during the afternoon peak hour, would still be lower than the estimated number of passenger loading instances in the project's transportation impact analysis (based on the 2002 TIA guidelines). While the estimated daily freight loading instances would remain the same between the 2002 and 2019 TIA guidelines, according to a planning department survey of residential sites during the mid-day period (peak period for deliveries in San Francisco) conducted in the summer of 2019, 50-55% of freight deliveries are serviced by personal vehicles or smaller delivery vans that are relatively similar in length to personal motorized vehicles (approximately 20 feet). Therefore, the 65 Ocean Avenue transportation circulation memo estimated 33 passenger loading instances during the PM peak hour (based on the 2002 TIA guidelines), which would more than account for both deliveries by these smaller vehicles and TNC passenger loading as estimated by the 2019 TIA guidelines.

**Table 1 - 65 Ocean Avenue: 2002 TIA Guidelines Travel Demand vs. 2019 TIA Guidelines Travel Demand**

	<b>2002 TIA Guidelines</b>	<b>2019 TIA Guidelines</b>
Daily person trips	1,929	1,740
Daily vehicle trips	599	497
Daily freight loading instances	5.3	5.3
PM peak hour person trips	314	155
PM peak hour vehicle trips	97	42
PM peak hour passenger loading instances	33	3

As shown in the project's transportation impact analysis (Table 13 page 42), 33 passenger loading instances would translate to an estimated demand for two passenger loading spaces during the afternoon peak hour (3:00 to 6:00 p.m.). The project proposes a 44-foot passenger loading zone (accommodating approximately two vehicle loading spaces) along its Alemany Boulevard frontage, and would therefore meet the estimated demand. As discussed in the project's transportation impact analysis (page 72), with buildout of the adjacent 915 Cayuga Avenue project (which would generate an estimated nine afternoon peak hour passenger loading instance) the cumulative projects would continue to meet their estimated passenger loading demand since 915 Cayuga Avenue also proposes a 66-foot (accommodating approximately three vehicle loading spaces) dual use passenger-freight loading zone also along its Alemany Boulevard frontage.



As discussed in the proposed project's transportation impact analysis (page 57), 5.3 freight loading instances would translate to an estimated demand for one freight loading space during the afternoon peak hour (3:00 to 6:00 p.m.). This estimated freight loading demand would be met by the project's proposed off-street loading space in the parking garage designed for a 20-foot box truck. As discussed in the project's transportation impact analysis (page 72), with buildout of the adjacent 915 Cayuga Avenue project (which would generate one peak hour freight loading instance) the cumulative projects would continue to meet their estimated freight loading demand since 915 Cayuga Avenue also proposes a 66-foot (approximately three vehicle loading spaces) dual use passenger-freight loading zone along its Alemany Boulevard frontage.

Regarding the appellant's comment:

**"Likewise, as has been seen in other parts of the City, Tech Shuttles, are likely predicted to come to the Excelsior, causing significant impact, as demonstrated by the Anti Eviction Mapping Project which has documented the connection between shuttle stops and higher incidences of no-fault evictions. The cumulative impact of these traffic impacts have not been properly studied and the project should therefore be sent back so that Planning can conduct a due diligence review of these impacts as directed in CEQA."**

The project's transportation impact analysis uses the 2002 TIA guidelines, which included shuttle person daily trips within "Other Modes," along with trips taken by bicycles and TNCs. As shown in the Table 2 below, the 2019 TIA guidelines have broken out private shuttle trips, bicycle, and TNC daily trips; however, the summation of these "Other Modes" trips would still be lower than the projects combined daily "Other Modes" trips stated in the transportation impact analysis. Therefore, the project has effectively evaluated travel demand of private shuttle trips.

**Table 2 - 65 Ocean Avenue: Travel Mode**

Mode	Daily Person Trips (2002 TIA Guidelines)	Daily Person Trips (2019 TIA Guidelines)
Auto	1106	766
Walk	261	559
Transit	454	312
Other (including private shuttle, bike, TNC)	108	103
Private Shuttle	n/a	5
Bike	n/a	52
TNC/Taxi	n/a	46

Furthermore, the environmental effects of SFMTA's commuter shuttle program was evaluated for environmental impacts in 2015.<sup>4</sup> The environmental review determined that the commuter shuttle

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<sup>4</sup> Case Number 2015-007975ENV – SFMTA commuter shuttle program

program would not result in any significant environmental effects from implementation of that program, including to transportation and circulation.

Regarding the appellant's comment:

**"Moreover, the cumulative impact of these traffic changes are compounded when taking account of the other projects within the project vicinity, such as the 113 unit development under construction at 915 Cayuga next door.**

**There is a great potential for significant traffic impacts as a result of these cumulative impacts and they must therefore be studied. The cumulative traffic impact and increased vehicle miles traveled will likely cause more cars, more traffic, and increase the rate of pedestrian injuries."**

The project's transportation impact analysis evaluated the cumulative transportation impact of the project with the adjacent 915 Cayuga project, and included evaluation of the project's cumulative safety hazards to people walking. As discussed on page 40 of the PMND, the proposed project and the adjacent 915 Cayuga project's garage door and driveway would be designed to reduce wait time and ingress/egress time with priority given to pedestrians, thus minimizing pedestrian hazards related to queuing of inbound vehicles on Cayuga Avenue. The proposed project and the adjacent 915 Cayuga project have been designed to include design features such as visual warning device at the project driveway to alert people walking when the garage door is in operation, and an interior queuing area just inside the garage door so that outbound vehicles can wait without blocking the sidewalk. The proposed project, in combination with cumulative projects, would not create potentially hazardous conditions for people walking and the PMND determined that the cumulative impact would be less-than-significant.

The appellant has provided no substantial evidence to support the assertion the proposed project would result in a cumulative transportation impact. The PMND has however provided substantial evidence to support the determination that cumulative transportation impacts would be less-than-significant.

**Response 4: The PMND adequately addressed the population and housing impacts of the 65 Ocean Avenue project.**

#### *Socioeconomic and Displacement Impacts*

The appellant asserts that the proposed project at 65 Ocean Avenue would result in socioeconomic pressures on the Excelsior and Outer Mission neighborhoods because the project would result in a high proportion of market rate units. The appellants also states that the existing neighborhood has a high proportion of family and multigenerational households living in overcrowded conditions, and that the proposed project would exacerbate those current conditions. The proposed project would construct 193 dwelling units, including 47 studios, 60 one-bedroom units, eight one-bedroom plus den, 57 two-bedroom units, and 21 three-bedroom units. Family sized units are considered two-bedroom units and above, therefore, the project would construct 78 family sized units. This is contrary to the nine family sized units that the appellant claims the project would provide. The proposed project is also seeking modifications to the Planning Code requirements applicable to the project site for rear yard, usable open space, and dwelling unit exposure as well as two height bonuses in exchange for providing 48 dwelling units (25 percent of 193 dwelling units) that would be affordable to low-, middle-, and moderate- income households.

Under CEQA, socioeconomic effects may be considered only to the extent that a link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental impacts. The Initial Study and PMND analysis has considered and not identified any adverse physical environmental effects due to the project's population and housing impacts. The proposed project would not result in any direct displacement of housing or people. Additionally, the demolition the building containing the Golden Bridges School would not displace employees because Golden Bridges School would relocate to a site in the project vicinity.

There is no substantial evidence in the record, or additional information provided by the appellant, indicating that the project would cause adverse physical environmental impacts due to gentrification and displacement of existing residents and businesses. The department recognizes that the Excelsior and Outer Mission neighborhoods are undergoing socioeconomic changes that are affecting existing residents, local small businesses, employment, and the character of the community. Recognizing that CEQA is not an effective or appropriate tool for managing the socioeconomic changes affecting the Excelsior and Outer Mission neighborhoods and other San Francisco neighborhoods, the Department is devoting resources outside of the CEQA process towards this end. The Department is working with the community, Planning Commission, elected leaders, and City partners to undertake a series of policy and implementation efforts aimed at addressing socioeconomic issues. The Planning Department is working on a Community Stabilization Strategy<sup>5</sup> to undertake a broader analysis of displacement and gentrification issues citywide with a focus on equity working with UC Berkeley's Urban Displacement Project. City staff acknowledges that such an analysis is beyond the scope of environmental review under CEQA, but wish to inform decision-makers and the public that the department is working to address the socioeconomic issues of affordability, economic displacement, and gentrification through land use planning and policy efforts.

In addition, in order to inform its responses to two previous CEQA appeals, the Department undertook an analysis of gentrification and displacement citywide to determine whether individual projects contribute to gentrification and displacement and whether either of these phenomena directly or indirectly result in physical environmental effects prepared for the 2675 Folsom Street CEQA appeal.<sup>6</sup> This information was undertaken for a project in the Mission district; however, the results apply citywide. The planning department worked with ALH Urban & Regional Economics to prepare two analyses of retail supply and demand, commercial and residential displacement, as well as a review of the relevant academic literature to evaluate whether gentrification and displacement of existing residents or businesses can be attributed to the construction of market-rate residential and mixed-use development under the Eastern Neighborhoods rezoning and area plans. Neither these analyses nor the literature reviewed provides empirical evidence supporting the position that market-rate development is responsible for residential or commercial displacement (see Attachment A and Attachment B for the ALH technical studies). Based on the available data and expert opinion presented in the academic literature, it appears that the fundamental causes of gentrification and displacement in San Francisco are likely

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<sup>5</sup> SF Planning, Community Stabilization Strategy, <https://sf-planning.org/community-stabilization-strategy>.

<sup>6</sup> San Francisco Planning Department, Planning Department Response to the Appeal of Community Plan Exemption for 2675 Folsom Street Project, Case No. 2014.000601ENV, March 13, 2017. See also a memo to the Board of Supervisors, "ARB|Chapple Study and Planning," May 2, 2017, <https://sfgov.legistar.com/View.ashx?M=F&ID=5147164&GUID=A02B19F7-5F3F-43AD-8DC7-347EB15FAD11>, accessed October 15, 2019.

related to broader economic and social trends, such as the mismatch between the supply and demand for housing at all levels, the strength of the regional economy, low unemployment, high wages, favorable climate, and a preference for urban lifestyles and shorter commutes.

*Displacement of Childcare Space*

The appellant also asserts that the project would displace childcare space at the project site, and would result in an unmet demand for childcare spaces in the neighborhood. The PMND acknowledges that the project site currently contains two unoccupied buildings, and a third building which is occupied by the Golden Bridges School. The Golden Bridges School is proposing to relocate to 203 Cotter Street (Case No. 2015-003791ENV) following construction of a new school building at that site. Additionally, the Little Bear School, which previously occupied one of the other currently unoccupied buildings on the project site, has already relocated to 327 Capitol Avenue. The proposed project includes a 5,952-gross-square-foot (gsf) childcare facility that would serve 25 children. Therefore, even though the proposed project would remove an existing childcare from the project site, there is evidence that this childcare facility is relocating within the neighborhood, and the project is proposing to provide an additional on-site childcare. For these reasons, implementation of the proposed project would not result in a substantial unmet demand for childcare facilities and would not require the construction of new or alteration of existing school facilities.

**CONCLUSION**

For all of the reasons provided in this appeal response, department staff respectfully recommends that the commission deny the appeal of the CEQA determination. The appellant has not provided substantial evidence supporting a fair argument that the project would have significant impacts on the environment with implementation of feasible mitigation measures identified in the PMND that would warrant preparation of an environmental impact report (EIR).

# REUBEN, JUNIUS & ROSE, LLP

October 11, 2019

**Delivered via Email (Michael.J.Li@sfgov.org)**

Myrna Melgar, Commission President  
San Francisco Planning Commission  
1650 Mission Street, 4th Floor  
San Francisco, California 94103

**Re: 65 Ocean Avenue – PMND Appeal**  
**Planning Case Number: 2016-006860E**  
**Hearing Date: October 24, 2019**  
**Our File: 7892.03**

Dear President Melgar and Commissioners:

This office represents Presidio Bay Ventures (the “**Project Sponsor**”), which proposes a mixed-use residential development at 65 Ocean Avenue (the “**Property**”). In particular, the Project Sponsor proposes demolition of the existing commercial structures at the Property and construction of a 3-to-5 story, 193 dwelling unit building with a 5,942 square-foot childcare facility with outdoor play area (the “**Project**”). The Project is taking advantage of the HOME-SF Program, resulting in 25% of units (48 of 193) subject to below market rate rents. 79 units in the Project (41%) will consist of two or three bedrooms.

In its appeal, People Organizing to Demand Environmental & Economic Rights (the “**Appellant**”) makes several assertions about the inadequacy of the Preliminary Mitigated Negative Declaration (“**PMND**”), but such claims identify socioeconomic (rather than environmental) impacts or fail to cite any data contradicting the PMND.

The PMND is a 124-page document supported by several detailed technical studies. It analyzes—in depth—potential Project impacts related to land use, population and housing, transportation and circulation, noise, air quality, wind, geology, public services, and greenhouse gas emissions. The document includes several mitigation measures to address potential impacts related to cultural resources, construction noise and traffic, and circulation. Accordingly, we urge the Planning Commission to reject this appeal, adopt a Final Mitigated Negative Declaration, and approve the Project for the following reasons:

- **The Project has been thoroughly vetted in accordance with CEQA.** Potential impacts of the Project were thoroughly analyzed, and the PMND establishes three

mitigation measures and three improvement measures in order to ensure that those potential impacts are mitigated to less than significant levels.

- **Appellant has failed to meet the standard required for appeal of a PMND.** Appellant has not succeeded in providing justification that the Project would have substantial environmental impacts not analyzed in the PMND. Appellant has not identified specific effects, explained why such effects would occur, or demonstrated—based on substantial evidence—why such effects would be significant.
- **The Project provides 5,942 square feet of new childcare space.** A rarity in new residential development, the Project will include 5,942 square feet of modern, spacious, childcare space, which will be run by one of the childcare operators currently located at the Property.
- **Extensive outreach has resulted in broad public support.** Comprehensive public outreach over the last three years has resulted in 391 letters of support from residents, merchants, childcare providers, several trade unions, the Bay Area Council, UCSF, and the Housing Action Coalition.

#### **A. Appellant has not met the Standard for Appeal of a PMND**

A mitigated negative declaration is appropriate for a project for which an initial study has identified potentially significant effects on the environment, but (1) mitigation measures would mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.”<sup>1</sup>

The CEQA Guidelines (also the “**Guidelines**”) set forth the standard for commenting on a PMND. Reviewers who believe that a project will have a significant environmental effect must:

- Identify the specific effect;
- Explain why the reviewer believes that the effect would occur; and
- Explain why the effect would be significant.<sup>2</sup>

CEQA is clear that reviewers commenting on a PMND must “explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments.”<sup>3</sup> The Guidelines are explicit that a lead agency may reject comments that are not focused,<sup>4</sup> and an effect alleged by a reviewer “shall not be considered significant in the absence of substantial evidence.”<sup>5</sup>

**B. Appellant's Comments are Unfocused and are not Supported by Substantial Evidence**

**1. Assessment of Compatibility with Existing Zoning & Plans**

Appellant states that the PMND fails to determine compatibility with the Excelsior Outer Mission Neighborhood Strategy (the “**Excelsior Strategy**”).<sup>6</sup> While Appellant identifies no express conflict between the Excelsior Strategy and the Project, Appellant indicates that “further analysis and planning is needed because there is a lack of support and insufficient consensus around the impacts of housing development” and that the Planning Department must create a “housing plan for the neighborhood.”

With regard to land use, CEQA requires analysis of whether a project physically divides an established community or conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The PMND confirms the Project's consistency with applicable zoning and plans, in particular, the Project's compliance with the Excelsior Outer Mission Street Neighborhood Commercial District, the 40-X height/bulk district, the HOME-SF program and the San Francisco General Plan.<sup>7</sup>

The Excelsior Strategy is a neighborhood-level visioning process meant to encourage dialogue between the neighborhood and City officials to consider ways to implement public improvements and investments in the neighborhood.<sup>8</sup> The Excelsior Strategy's stated purpose is “to enhance the neighborhood's primary commercial corridor Mission Street and Geneva Avenue...the City and neighborhood stakeholders can leverage current and future investment to implement the neighborhood vision.” The final Excelsior Strategy document was published in late 2018.

In order to achieve its various goals, the Excelsior Strategy outlines 24 implementation measures to be taken by the City and County of San Francisco. These strategies involve a number of City agencies. The two measures that identify the San Francisco Planning Department as the implementing agency have to do with community stabilization, gentrification, and affordable housing. No implementation measures suggest the potential of modifying existing land use controls.<sup>9</sup> The Excelsior Strategy expressly recognizes the HOME-SF program's potential to increase density in the subject area.<sup>10</sup>

There is no express conflict between the Excelsior Strategy and the Project. Appellant points out that the Excelsior Strategy aims to “[m]aintain and build housing stock that can serve current residents and welcome diverse new residents, including people at a range of incomes, people of color, and immigrants.”<sup>11</sup> The Project is consistent with this policy by providing 193 new residential units with 48 below market rate (“**BMR**”) units, and a range of unit sizes. The 48 BMR units would be distributed between 55%, 80%, and 110% AMI, and 19 of the BMR units would have either two or three bedrooms.



Further, under CEQA, socioeconomic effects, such as gentrification, displacement and the affordability of housing, may be considered only to the extent that a link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental impacts. There is no substantial evidence in the record, or additional information provided by the Appellant, indicating that the Project would cause adverse physical environmental impacts due to gentrification and displacement of existing residents and businesses.

## **2. Assessment of Cumulative Context of Development Projects**

Appellant states that the PMND does not properly evaluate the Project's impact in the context of a number of development projects under construction or under review in the surrounding neighborhood. CEQA requires that a project be reviewed compared to (1) the existing environment (which includes projects currently under construction) and (2) the future cumulative environment (which includes "reasonably foreseeable" future projects.).<sup>12</sup> Reasonably foreseeable future projects include those with an environmental review application filed with the San Francisco Planning Department at the time of the subject project's environmental review.

Of the development projects cited by the Appellant, eight have approved building permits or are actively under construction (considered in the existing environment), eight are currently under review by the Planning Department (considered in the cumulative environment), one has been withdrawn, and one does not appear to be an active project. Per San Francisco Planning Department environmental review guidelines, the PMND properly incorporates these projects that are located within 1/4 mile<sup>1</sup> of the Project in the existing and cumulative settings in the analysis of the Project's potential environmental impacts. As such, the PMND accurately reflects the developments cited by the Appellant in its analysis.

Appellant also states that the majority of the units at the Project and the other identified nearby developments would "represent higher end development" and cites an urban planning researcher's conclusion that such units would "reinforce the effects of income inequality rather than tempering them." As discussed above, socioeconomic impacts are only relevant to a CEQA analysis to the degree they result in physical adverse environmental impacts. The Appellant does not cite any such physical adverse environmental impacts.

## **3. Assessment of Cumulative Traffic Impacts and Vehicle Miles Traveled**

Appellant states that the PMND underestimates cumulative transportation impacts caused by the Project due to the expected future residents' use of TNCs and higher residential delivery demand.

Broadly speaking, the cumulative transportation analysis includes reasonably foreseeable projects at the time of scoping the transportation study. Specifically, the analysis includes projects within one-half mile of the Property that were approved or under review at the time the analysis

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<sup>1</sup> Note that the Transportation Circulation Memorandum considers a larger 1/2 mile radius.

was conducted. 915 Cayuga was included in this analysis. Specifically, Kittelson considered the estimated travel demand associated with the project and the possible cumulative impacts to people driving, walking, and biking, as well as combined passenger and freight loading demand and supply.

The Project's trip generation and mode share was analyzed using the 2002 SF Guidelines. The methodology for trip generation and travel mode split (walk, drive, transit, etc.) relies on observational and intercept survey data collected throughout San Francisco. As detailed in Sections 3.3 and 3.5.2 of the Transportation Circulation Memo, both the travel demand estimates and passenger loading demand estimates, account for demand for for-hire vehicles (also known as transportation network company ("TNC") vehicles). Consistent with the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review (2002) ("**2002 SF Guidelines**"), all travel not made by driving, taking transit, or walking (e.g., bicycles, motorcycles, and other modes not accounted for) are considered TNC trips or private vehicle pick-up/drop-off trips.

With this conservative assumption, approximately 10 percent of all person trips generated by the Project would be passenger pick-up/drop-off trips (see Table 10, p. 38 of the Transportation Circulation Memo). Based on data collected by the Planning Department in spring 2017 and incorporated into the 2019 Transportation Impact Analysis ("**TIA**") Guidelines, approximately 4 percent of all person trips would be TNC trips. This data was not available for use in the 2002 SF Guidelines, and so was not presented in the Project's Transportation Circulation Memo. However, based on this comparison, the Project would generate fewer TNC trips under the 2019 TIA Guidelines than it would under the 2002 SF Guidelines.

The Property is located in an area where existing VMT is more than 15 percent below the baseline regional average, and the Project would not include features that would be considered to substantially induce automobile travel. Based on expected TNC and child care pick-up/drop-off trips, the analysis concluded that the Project would generate a demand of 2 spaces for passenger loading. Two passenger loading spaces are provided in a proposed 44-foot passenger loading zone on Alemany Boulevard, which the Project Sponsor would request from San Francisco Municipal Transportation Agency. Based on the 2002 SF Guidelines, the Project's impacts on transportation would be less than significant.<sup>13</sup>

The Planning Department appropriately conducted project-level analysis of the potential loading impacts of the Project through a project-level transportation analysis. Based on this project-level review, the department determined that the Project would not cause a significant impact as it relates to loading, and no further analysis was required. This project-level analysis calculated loading demand using the methodology identified in the 2002 SF Guidelines. The Project is estimated to require one peak hour loading space to meet both passenger and freight loading demand and 6 total daily deliveries.

Appellant further states that "tech shuttles...are likely predicted to come to the Excelsior, causing significant impact..." CEQA requires analysis of a proposed project compared to the

existing environment, and the cumulative environment, which includes “reasonably foreseeable” future projects. The cited shuttles are not in existence today, and no express or formal plans for shuttles are currently proposed, and therefore the Appellant’s prediction that the Project will result in additional shuttles is merely speculative and is outside of CEQA’s required cumulative environment analysis.

The Planning Department’s conclusion that the Project would not result in significant individual or cumulative transportation impacts or effects is supported by substantial evidence, and Appellant has not demonstrated otherwise. Please also find Kittelson and Associates’ further discussion, attached as **Exhibit A**.

#### **4. Assessment of Impacts to Population Growth**

Appellant states that the Project will contribute to local population shifts, suggesting that it will contribute to increased costs of rental housing and increased overcrowding in the neighborhood. Stated again, socioeconomic impacts are only relevant to a CEQA analysis to the degree they result in physical adverse environmental impacts. No physical adverse environmental impacts are cited by the Appellant.

While solely socioeconomic impacts are not relevant to the CEQA analysis, the Project does provide an amount of BMR dwelling units above the current minimum requirement of the Planning Code and provides a significant number of family-size units. The Project provides 48 out of 193 units (25%) at below market rate rents (affordable to households earning between 55% and 110% of area median income). 79 of 193 units (41%) will provide 2 or 3 bedrooms. Appellant cites the lack of available childcare in the neighborhood, and also states that the Project displaces two childcare institutions. The Project Sponsor acquired the Property in December of 2016, and by that time one of the previous childcare operations at the Property had already moved to 3215 Cesar Chavez Street and the other was already mid-construction on another site at 327 Capitol Avenue. The Project would provide a new 5,924 square foot childcare space at the Property.

#### **C. Conclusion**

Appellant’s letter of appeal does not meet the standard required to overturn a PMND. CEQA provides a clear standard in such cases: PMND commenters must provide substantial evidence that a project will have a substantial effect on the environment not analyzed in the PMND. Commenters must explain the basis for their claims, and submit data or expert opinion in support of those claims. Appellant has not provided any such explanation or data. Therefore, the Planning Commission must reject Appellant’s appeal.

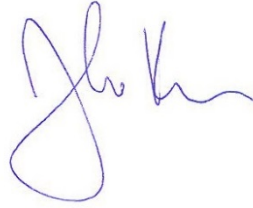
The benefits associated with this 193-unit, 25% affordable rental housing project are substantial. Its provision of on-site childcare space is almost unprecedented for residential projects of this size. The Project is appropriate for the neighborhood, consistent with the applicable zoning and General Plan policies, and has been thoroughly vetted under CEQA. Therefore, we ask the

President Myrna Melgar  
San Francisco Planning Commission  
October 11, 2019  
Page 7

Commission to reject this appeal and approve a Final Mitigated Negative Declaration for the Project.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



John Kevlin

Enclosure

cc: Joel Koppel, Commission Vice-President  
Dennis Richards, Commissioner  
Frank S. Fung, Commissioner  
Kathrin Moore, Commissioner  
Millicent Johnson, Commissioner

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<sup>1</sup> Cal. Pub. Res. Code § 21064.5.

<sup>2</sup> 14 Cal Code Regs. § 15204(b).

<sup>3</sup> 14 Cal. Code Regs. § 15204(c).

<sup>4</sup> 14 Cal. Code Regs. § 15204(e).

<sup>5</sup> 14 Cal. Code Regs. §§ 15204(c); 15604.

<sup>6</sup> PODER Appeal Letter, pg. 1.

<sup>7</sup> 65 Ocean Avenue PMND, September 18, 2019, pages 7-9.

<sup>8</sup> SF Planning Department, Excelsior & Outer Mission Neighborhood Strategy Overview, available at <https://sfplanning.org/excelsior-outer-mission-neighborhood-strategy#about> (accessed Oct. 9, 2019).

<sup>9</sup> Id. at 147.

<sup>10</sup> Id. at 92 and 96.

<sup>11</sup> Excelsior & Outer Mission Neighborhood Strategy, LUH 1.

<sup>12</sup> 14 Cal. Code Regs. § 15355(b).

<sup>13</sup> Kittleson and Associates, 65 Ocean Ave Transportation Circulation Memorandum, August 1, 2019, page 48-49.

# **EXHIBIT A**

October 9, 2019

Project #: 65 Ocean Avenue

John Kevlin  
Reuben Junius Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104

***RE: 65 Ocean Avenue Appeal Responses***

Dear John,

See below for our response to Section 3 of the CEQA appeal.

The commenter opines that “The analysis underestimates cumulative traffic impacts induced by the project,” citing three reasons:

- 1) Potential high-income project residents who are frequent users of ride-hailing apps
- 2) Potential high-income project residents who will have “increased frequency” of Amazon deliveries and truck activity
- 3) The arrival of tech shuttles in the neighborhood

With respect to the first claim, the project analysis used established and consistently applied methodologies developed by the San Francisco Planning Department to estimate the project-generated travel demand. The passenger loading demand estimates calculated and the impact analysis for the proposed project follow the methodology presented in the *2002 SF Guidelines*. The specific approach used for the proposed project is provided in the Transportation Scope of Work, which is included in Appendix A of the Transportation Circulation Memorandum (TCM).

The methodology uses travel mode share rates established from data collection within San Francisco and from American Community Survey. From there, consistent with 2002 SF Guidelines, the analysis conservatively assumes that all trips not accounted for in the other mode categories (walk, drive, transit) are considered TNC trips or private vehicle pick-up/drop-off trips. Based on this analysis, approximately 10% of all estimated p.m. peak hour trips were assumed to be TNC or private vehicle pick-up/drop-off trips. As shown in Table 13 of the TCM (p. 42), the project would generate a demand for two spaces during the peak period. The project proposes to provide two spaces for passenger loading and would meet the estimated demand. The 65 Ocean and 915 Cayuga projects represent the expected changes between existing conditions and cumulative conditions with respect to loading demand on the project block. With buildout of nearby projects, there would be an estimated demand of two spaces during the peak period. As stated on TCM p. 72, the supply of passenger loading spaces

was found to meet the passenger loading space demand generated by the project in combination with nearby developments (e.g., the adjacent 915 Cayuga Avenue project).

With respect to the second claim, the project analysis used established methods to estimate commercial loading demand, based on data collected in San Francisco. The passenger loading demand estimates calculated and the impact analysis for the proposed project follow the methodology presented in the *2002 SF Guidelines*. The specific approach used for the proposed project is provided in the Transportation Scope of Work, which is included in Appendix A of the TCM.

As shown in Table 12: Freight Loading Demand, on p. 40 of the TCM, the proposed project is estimated to result in a demand for less than one commercial loading space during the average hour and during the peak hour of freight loading activity. As discussed in section 4.2.6 on TCM p. 56, the proposed project would meet the estimated freight loading demand through provision of one off-street freight loading space. The level of estimated demand is below the proposed supply and the provided space satisfies demand.

In the cumulative conditions analysis on TCM p. 72, the analysis considers the supply and demand of freight loading spaces within the study area when considering whether there would be a cumulative loading impact. As discussed on TCM p. 72, the project in combination with other nearby developments (e.g., adjacent 915 Cayuga Avenue project) collectively provide surplus commercial loading supply, including the 915 Cayuga project's dual-use commercial and passenger loading zone along Alemany Boulevard.

With respect to the third claim, the expected presence of tech shuttles in the neighborhood or on the project block is speculative and is not a physical environmental issue that is required to be addressed under CEQA.

Sincerely,  
KITTELSON & ASSOCIATES, INC.

Mike Alston  
Planner

Erin M Ferguson, PE  
Principal Engineer



October 8, 2019

San Francisco Planning Commission  
% Planning Department  
Attention: Lisa Gibson  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Case No. 2016-006860ENV 65 Ocean Avenue  
Appeal of the Preliminary Mitigated Negative Declaration

Dear Members of the Planning Commission:

People Organizing to Demand Environmental & Economic Rights (PODER) submits this appeal of the Preliminary Mitigated Negative Declaration (PMND) for the proposed project at 65 Ocean Avenue. We are submitting this appeal of the determination of no significant effect on the environment for 65 ocean because of the following reasons.

### **1. Incomplete Assessment of Compatibility with Existing Zoning & Plans**

We believe the PMND is missing key analysis around determining compatibility with existing plans given that it does not reference the most recent neighborhood planning process in the area where 65 Ocean is located. The Excelsior Outer Mission Neighborhood Strategy was convened by District Supervisor Ahsha Safai and conducted by the SF Planning Department in 2017.

This Excelsior Outer Mission Neighborhood Strategy is a culmination of a variety of community engagement efforts that included data gathering, surveys, establishment of a working group, and focused conversations with vulnerable communities. Besides failing to reference this plan, the PMND does not reflect the community priorities related to land use and housing that emerged from the plan. The plan states: “As a result of the Working Group members’ strong desire to address housing needs combined with a lack of agreement on the best approach to do so, the singular strategy adopted by the Working Group members is to call for a corridor-wide housing plan focused on both Mission Street and the surrounding residential areas.”

Significant community input into the Excelsior Outer Mission Neighborhood Strategy emphasized the need to consider the incomes of local residents in the neighborhood as well as account for the displacement that has impacted the community, when considering new housing development projects. As a result, on page 95 of the document, Land Use & Housing objective 1.1 states: “Appropriately and responsibly develop a corridor-wide housing plan for a range of income levels, for both renters and homeowners.” (objective LUH 1.1).

The 65 Ocean project is a block away from Mission Street and falls within the corridor established in the Excelsior Outer Mission Neighborhood Strategy. This project should have been reviewed within the context of this planning process to determine its compatibility with the objectives developed by both the City and Community.

In short, the Excelsior Outer Mission Strategy, through the participation of District Supervisor Ahsha Safai, SF Planning Department, and community members and leaders, determined that further analysis and planning is needed because there is a lack of support and insufficient consensus around the impacts of housing development. However, two years later, the Planning Department has not moved forward with the creation of said housing plan.

Since the Planning Department's own neighborhood strategy has concluded that there is a lack of agreement on the best approach to address housing needs in the neighborhood, and the department has not followed through on its commitment to create a housing plan for the neighborhood that would produce this agreement, then it is inappropriate to approve a PMND for the 65 Ocean proposed development.

## **2. Inaccurate Assessment of Cumulative Context of Development Projects**

We believe the Preliminary Mitigated Negative Declaration significantly underestimates the cumulative land use impact of the 65 Ocean proposed project, in combination with past, present, and reasonably foreseeable projects.

The Preliminary Mitigated Negative Declaration significantly undercounts the volume of new construction in the neighborhood, specified as 274 units on page 12 of the document. In fact, the Excelsior neighborhood overall is currently experiencing an unprecedented development boom, and the area in the immediate vicinity of the proposed project has a concentration of new development. There are in fact close to 1,000 new units that have been recently constructed, newly permitted, or in the development pipeline (*see Table 1 below for our accounting of these units*).

The impact of all these units, which represents a significant increase in development activity over the last decade<sup>1</sup>, has not been properly evaluated. Since the cumulative impact was improperly studied and would have a significant impact upon the neighborhood, the current PMND is invalid and should be sent back so that an actual analysis of this project's cumulative impacts of its localized effects can be properly and competently studied.

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<sup>1</sup> *The neighborhood produced only 148 new units in the nine year period between the first quarter of 2008 and the first quarter of 2017 according to the Planning Department Housing Balance Report: [http://default.sfplanning.org/publications\\_reports/20180920\\_HousingBalance7CPC.pdf](http://default.sfplanning.org/publications_reports/20180920_HousingBalance7CPC.pdf)*

**Table 1: *Excelsior Units of Recent Construction or in Permitting Process***

<b>Address</b>	<b># of Units</b>	<b>Market Rate Units</b>	<b>BMR Units</b>
302 Silver	198	198	0
4316 Mission	10	9	1
2 Tingley	9	2	0
2 Russia	8	8	0
5050 Mission	61	52	9
65 Ocean	191	143	48
915 Cayuga	116	58	58
2214 Cayuga	7	7	0
350 Ocean	24	21	3
260 Geneva	121	0	121
4320 Mission	9	9	0
4500 Mission	7	7	0
4550 Mission	24	21	3
4716 Mission	7	7	0
4830 Mission	21	0	21
4840 Mission	134	0	134
5616 Mission	10	10	0
5500 Mission	14	14	0
5690 Mission	3	3	0
5875 Mission	4	3	0
<b>TOTAL</b>	<b>978</b>	<b>572</b>	<b>398</b>

The majority of these units represent higher-end development. According to urban planning researcher and scholar Michael Storper, promoting high-end development, “principally unleashes market forces that serve high income earners, and are therefore likely to reinforce the effects of income inequality rather than tempering them.” He goes on to state “there’s virtually no evidence that substantially lower costs would trickle down to the lower two-thirds of households or provide quality upgrading of their neighborhoods, but it undoubtedly would enhance displacement in neighborhoods currently at the boundary of higher-income inner metropolitan areas. He goes on to substantiate this claim, “indeed, according to Zillow data reported in The Washington Post, (August 6, 2018), rents are now declining for the highest earners while continuing to increase for the poorest in San Francisco, Atlanta, Nashville,

Chicago, Philadelphia, Denver, Pittsburgh, and Washington, noting that a boom in luxury construction in these areas has failed to ease housing market competition for cheaper properties.”

We believe that the cumulative impact of all this unplanned growth will result in substantial impacts and since the Planning Department conducted an improper review, the CEQA analysis must be corrected and proper environmental analysis must be conducted. As such, the PMND cannot be used to assess CEQA impacts for this project. Moreover, the proposed mitigations suggested in the PMND are grossly inadequate due to the disparity between the projections of the PMND and the level of development currently underway.

### **3. Incomplete Assessment of Cumulative Traffic Impacts and Vehicle Miles Traveled**

We believe the PMND significantly underestimates the cumulative traffic impacts induced by the project. As a result of this project, we believe the project area will experience unforeseen changes in traffic patterns that have not yet been evaluated.

Given that prospective tenants in the proposed 65 Ocean development *would likely have to earn two to three times the median household income in the district* to rent one of the market-rate apartments in the building, it is safe to assume that the majority of residents will be upscale high-income earners. Studies have shown that higher income residents are higher users of rideshare transportation such as Lyft and Uber. Moreover, higher income residents are also known to have increased frequency of “amazon” deliveries, resulting in increased frequency of truck deliveries.

Likewise, as has been seen in other parts of the City, Tech Shuttles, are likely predicted to come to the Excelsior, causing significant impact, as demonstrated by the Anti Eviction Mapping Project which has documented the connection between shuttle stops and higher incidences of no-fault evictions.<sup>2</sup> The cumulative impact of these traffic impacts have not been properly studied and the project should therefore be sent back so that Planning can conduct a due diligence review of these impacts as directed in CEQA. Moreover, the cumulative impact of these traffic changes are compounded when taking account of the other projects within the project vicinity, such as the 113 unit development under construction at 915 Cayuga next door.

There is a great potential for significant traffic impacts as a result of these cumulative impacts and they must therefore be studied. The cumulative traffic impact and increased vehicle miles traveled will likely cause more cars, more traffic, and increase the rate of pedestrian injuries.

### **4. Incomplete Assessment of Impacts to Population Growth**

The local population is experiencing a number of critical challenges and population shifts, and the 65 Ocean development project will only exacerbate these conditions.

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<sup>2</sup> <http://www.antievictionmappingproject.net/techbusevictions.html>

The rate of no fault evictions in the Excelsior spiked over the last year and continues at an alarming pace, resulting in the displacement of thousands of community members. The rents for small businesses have been climbing to unsustainable levels, resulting in increased vulnerability among mom & pop businesses. Much of these evictions are fueled by landlords and developers targeting rents to the high end of the market. Given the high proportion of market rate units in the 65 Ocean development project, research has shown this will lead to upward pressures on rents for area tenants and small businesses, leading to displacement and shifts in the area population. The market rents that will likely be charged at the 65 Ocean development project will be accessible only to those who earn more than double the median household income in the neighborhood. According to data from the 2018 Housing Inventory prepared by the SF Planning Department, the City has produced 96% of the housing needed for residents earning above 120% of the area median income, but only produced 32% of housing that's needed for low income populations earning below 80% of the area median income.<sup>3</sup> The 65 Ocean project is not priced for the residents currently residing in the area whose area median incomes have been grossly under-served by the city's housing construction efforts. The 65 Ocean project will only exacerbate the affordability crisis, place increased pressures on working class neighbors, and lead to unplanned shifts in the area population.

There is a high level of overcrowding among households in the neighborhood given the prevalence of family and multigenerational households combined with the extremely unaffordable rents. The Excelsior and Outer Mission has a higher proportion of family households (76%) than San Francisco (46%) as a whole. Overcrowding in the Excelsior and Outer Mission is more than three times the rate for the city as a whole, with 22% of households overcrowded compared to 7% citywide. Severe overcrowding, defined as more than 1.5 people per room, is also more pronounced in the Excelsior and Outer Mission neighborhoods with 7% of households severely overcrowded compared to 4% citywide. This means many households are forced to reside in substandard living situations; some live in garages, others in closets; some packed with a great many other people, including children, into single homes. The 65 Ocean development project does not only propose majority studios and one-bedrooms, but out of the 193 units, only nine are actually family-sized and affordable to working class families. This is an example of development that will exacerbate current conditions of overcrowding.

There is a severe shortage of childcare spaces in this district that has among the highest number of children than any other district in the City. There is a large unmet need for early childhood education. In 2016, the Excelsior had the largest shortage of childcare slots relative to the number of children. While the project at 65 Ocean proposes to include a childcare provider on the ground floor, it has displaced two separate childcare institutions prior to initiating construction. Therefore it provides an overall negative balance in the amount of preschool spaces available to serve local families. See Table 5 below which indicated a shortage of 1677 spots for the 2,650 children aged 3-5 in the district.

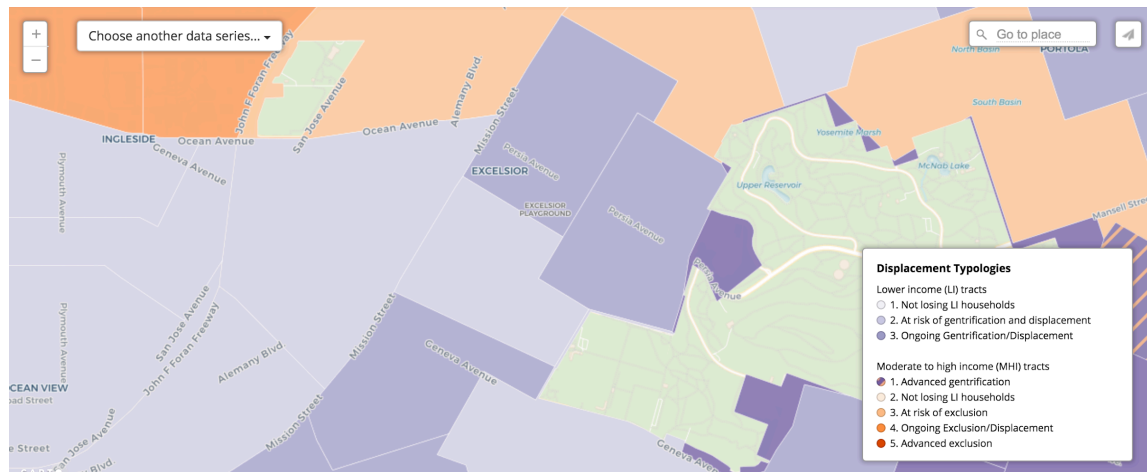
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<sup>3</sup> [http://default.sfplanning.org/publications\\_reports/2018\\_Housing\\_Inventory.pdf](http://default.sfplanning.org/publications_reports/2018_Housing_Inventory.pdf) Page 21

Table 5. 2016 Licensed Center Capacity				
Neighborhood	# of Children ages 0-2	Center Infant-Toddler Capacity	# of Children 3-5	Center Preschool Capacity
Inner Mission/Bernal Heights	2,279	156	1,969	1,228
Outer Mission/Excelsior/Ingleside	2,349	0	2,650	973
Bayview/Hunter's Point	1,607	91	1,708	867
Mission Bay	119	26	91	60
<b>San Francisco overall</b>	<b>23,254</b>	<b>1,414 (6%)</b>	<b>19,766</b>	<b>14,774 (75%)</b>

According to the UC Berkeley Urban Displacement Project, in the Excelsior and Outer Mission, many Census tracts are lower income (shown in purple) and are at risk for gentrification (lighter purple) or are experiencing ongoing gentrification (medium shade of purple), meaning that at current rates, fewer low income people may be able to live in these areas in the future. These trends represent significant population shifts. The tract for 65 Ocean is in one such purple tract, demonstrating the need for development that is affordable to local residents and the wages they earn. The 65 Ocean project will only aggravate current trends that are causing gentrification, displacement, and shifts in local population. See Image 1 below.

**Image 1: UC Berkeley Urban Displacement Project, Excelsior Tracts**



Sincerely,

*Antonio Diaz*

Antonio Diaz  
Organizational Director, PODER



# SAN FRANCISCO PLANNING DEPARTMENT

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## Mitigated Negative Declaration

<i>PMND Date:</i>	September 18; amended on October 24	1650 Mission St. Suite 400 San Francisco, CA 94103-2479
<i>Case No.:</i>	<b>2016-006860ENV</b>	Reception: <b>415.558.6378</b>
<i>Project Address:</i>	<b>65 Ocean Avenue</b>	
<i>Zoning:</i>	Excelsior Outer Mission Street Neighborhood Commercial District (NCD) 40-X Height and Bulk District	Fax: <b>415.558.6409</b>
<i>Block/Lot:</i>	6954/018	
<i>Project Sponsor:</i>	Jody Knight, Rueben, Junius, & Rose, LLP (415) 567-9000 <a href="mailto:jknight@reubenlaw.com">jknight@reubenlaw.com</a>	Planning Information: <b>415.558.6377</b>
<i>Lead Agency:</i>	San Francisco Planning Department	
<i>Staff Contact:</i>	Michael Li – (415) 575-9107 <a href="mailto:michael.j.li@sfgov.org">michael.j.li@sfgov.org</a>	

## PROJECT DESCRIPTION:

The proposed project at 65 Ocean Avenue is located in San Francisco's Outer Mission neighborhood. The project site (Assessor's Block 6954, Lot 018) is an irregularly shaped 40,497-square-foot parcel that fronts three streets: Cayuga Avenue on the west, Ocean Avenue on the north, and Alemany Boulevard on the east. The proposed project consists of the demolition of three existing buildings on the project site and construction an approximately 55-foot-tall building (with an additional 9 foot mechanical penthouse) containing 193 dwelling units, a 5,952-gross-square-foot (gsf) childcare facility, and a one-story, basement-level garage with a total of 121 parking spaces. The dwelling units would be a mix of studios and one-, two-, and three-bedroom units. The building would contain approximately 190,215 gsf and would vary in height from four stories (40 feet) on Cayuga Avenue to five stories along Ocean Avenue to six stories (55 feet) on Alemany Boulevard. Vehicular access to and from the basement-level garage would be provided from on Cayuga Avenue. The existing curb cut along the site on Cayuga Avenue would be reduced in width from 80 feet to 20 feet, and the existing curb cut on Ocean Avenue would be removed. The passenger loading zone for the childcare facility would located be on Alemany Boulevard. A total of 147 bicycle parking spaces would be provided (Class 1 spaces in the basement-level garage and Class 2 spaces on the sidewalks adjacent to the project site). <sup>1</sup>A total of approximately 17,750 square feet of usable open space for the residents of the proposed project would be provided in the form of interior courtyards on the ground floor and roof decks at the fourth and fifth floors.

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<sup>1</sup> Pursuant to San Francisco Planning Code Section 155.1, Class 1 bicycle parking spaces are secure weather protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees. Class 2 bicycle parking spaces are racks located in a publicly accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.



**FINDING:**

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See pages 111 - 119.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

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Lisa Gibson  
Environmental Review Officer

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Date of Issuance of Final Mitigated  
Negative Declaration

cc: Jody Knight, Rueben, Junius, & Rose, LLP, project sponsor  
Veronica Flores, Current Planning Division  
Supervisor Ahsha Safaí, District 11  
Master Decision File  
Distribution List

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**Exhibit A**

Project Figures

# Initial Study

## 65 Ocean Avenue

### Planning Department Case No. 2016-006860ENV

#### A. PROJECT DESCRIPTION

The proposed project at 65 Ocean Avenue is located in San Francisco's Outer Mission neighborhood. A description of the proposed project location, characteristics, and its regional and local context, planning process and background, as well as a discussion of requested project approvals is included below.

##### **Project Location**

The project site (Assessor's Block 6954, Lot 018) is an irregularly shaped 40,497-square-foot parcel that fronts three streets: Cayuga Avenue on the west, Ocean Avenue on the north, and Alemany Boulevard on the east (see Figure 1: Project Location). Additionally, Onondaga Avenue borders the site to the south. The project site is currently occupied by three buildings and a surface parking lot with 21 parking spaces. Two of the existing buildings are unoccupied, and the other building is occupied by the Golden Bridges School.<sup>1</sup> Of the three buildings on the project site; two are two stories, and one is one story. The existing buildings total approximately 14,100 gross square feet. The project site slopes down from east (Alemany Boulevard) to west (Cayuga Avenue). The elevation at the project site's eastern property line is approximately 20 feet higher than the elevation at the western property line.

The project site is in the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

##### **Project Characteristics**

The proposed project consists of demolishing the existing buildings on the project site and constructing an approximately 55-foot-tall building (with an additional nine-foot-tall mechanical penthouse) containing 193 dwelling units, a ~~5,952~~ 5,942-gross-square-foot (gsf) childcare facility, and a one-story, basement-level garage with a total of 121 parking spaces. The dwelling units would be a mix of studios and one-, one-plus-den, two-, and three-bedroom units. The building would contain approximately ~~190,215~~ 191,374 gsf and would vary in height from four stories (40 feet) on Cayuga Avenue to five stories along Ocean Avenue to six stories (55 feet) on Alemany Boulevard.

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<sup>1</sup> Golden Bridges School is proposing to relocate to 203 Cotter Street (Case No. 2015-003791ENV) following construction of a new school building at that site. Little Bear School previously occupied one of the other buildings on the project site but has relocated to 327 Capitol Avenue.



SOURCE: San Francisco Planning Department

FIGURE 1: PROJECT LOCATION

Vehicular access to and from the basement-level garage would be provided from Cayuga Avenue. The existing curb cut on Cayuga Avenue along the project site would be reduced in width from 80 feet to 20 feet, and the existing curb cut on Ocean Avenue along the project site would be removed. The passenger loading zone for the childcare facility would be located on Alemany Boulevard. A total of ~~147~~ 171 bicycle parking spaces would be provided (Class 1 spaces in the basement-level garage and Class 2 spaces on the sidewalks adjacent to the project site).<sup>2</sup> A total of approximately ~~17,750~~ 17,408 square feet of usable open space for the residents of the proposed project would be provided in the form of interior courtyards on the ground floor and roof decks at the fourth and fifth floors. See Exhibit A (attached) for the project plans.

### **Project Construction**

Construction of the proposed project is expected to last 25 months. The proposed building would be supported by a spread footings foundation bearing on ground improvements with rammed aggregate piers. Construction of the proposed project would require excavation to a depth of up to 21 feet below ground surface and the removal of about 13,500 cubic yards of soil from the project site. The project would also propose to remove the utility pole located immediately south of the proposed project garage driveway curb cut and would move the utilities underground.

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<sup>2</sup> Pursuant to San Francisco Planning Code Section 155.1, Class 1 bicycle parking spaces are secure weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees. Class 2 bicycle parking spaces are racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.

**Table 1: Summary of Existing and Proposed Uses**

Land Use	Existing	Proposed
Studios	0	47
One-Bedroom Units	0	<del>60</del> <u>59</u>
One-Bedroom Plus Den	0	8
Two-Bedroom Units	0	57
Three-Bedroom Units	0	<del>21</del> <u>22</u>
<b>Total Dwelling Units</b>	0	193 Units ( <del>129,132</del> <u>129,906</u> gsf)
Institutional <sup>1</sup> (Ground Floor, 2nd Floor)	14,088 gsf	<del>5,952</del> <u>5,942</u> gsf
Amenity, Circulation, Lobby (Various Floors)	0	<del>26,486</del> <u>26,949</u> gsf
Parking (Garage)	21	121 ( <del>28,655</del> <u>27,254</u> gsf)
Loading Spaces (Alemany)	0	1
Bicycle Parking (Garage and Cayuga Street, Ocean Street, and Alemany Sidewalks)	0	<del>147</del> <u>171</u> ( <del>1,234</del> <u>1,323</u> gsf)
<b>Total GSF</b>	<b>14,088 gsf</b>	<b><del>190,215</del> <u>191,374</u> gsf</b>
Residential Open Space ( <del>Rear Yard</del> , Ground Floor, 4th Floor, 5th Floor)	0	<del>17,509</del> <u>17,408</u> sf
1. Institutional space consists of childcare and preschool land uses.		

## Project Approvals

The proposed project would require the following approvals:

### Planning Commission

- **Approval of HOME-SF Project Authorization** and approval of modifications to the planning code requirements for rear yard, usable open space, and dwelling unit exposure as well as two height bonuses in exchange for providing 48 dwelling units (25 percent of 193 dwelling units) that would be affordable to low-, middle-, and moderate-income households (*Planning Commission*)

### **Actions by other City Departments**

- **Demolition Permit** (*Planning Department and Department of Building Inspection*)
- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)
- **Approval of Color Curb Changes including passenger loading zone on Alemany Boulevard frontage.** (*San Francisco Municipal Transportation Agency*)
- **Approval of a street space permit for construction** (if sidewalks are used for construction staging and walkways are constructed in the curb lane) (*San Francisco Municipal Transportation Agency*)
- **Approval of any changes to sewer laterals** (connections to the city sewer system). (*San Francisco Public Utilities Commission (SFPUC)*)
- **Encountering of groundwater** during construction or operation, the sponsor would need a permit from SFPUC's Wastewater Enterprise Collection System Division. (*SFPUC*)
- **Hydraulic analysis** to confirm the adequacy of the water distribution system for proposed new potable and fire water services. (*SFPUC*)
- **Construction erosion and sediment control plan** and post-construction stormwater control plan for compliance with the city's Stormwater Design Guidelines. (*SFPUC*)
- **Review and approval of site mitigation plan** in accordance with San Francisco Health Code Article 22A (*Department of Public Health*)
- **Review and approval of a Dust Control Plan** in accordance with San Francisco Health Code Article 22B (*Department of Public Health*)
- **Approval of the use of dewatering wells** per Article 12B of the health code (*joint approvals by the Department of Public Health and the SFPUC*)

Home-SF Project Authorization by the Planning Commission constitutes the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day period for the appeal of the Final Mitigated Negative Declaration to the Board of Supervisors pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## **B. PROJECT SETTING**

### **Project Site and Surrounding Land Uses**

The project site fronts three streets: Cayuga Avenue on the west, Ocean Avenue on the north, and Alemany Boulevard on the east. There is an adjacent property that abuts the project site on the northeast; this adjacent property is on the southwest corner of Ocean Avenue and Alemany Boulevard and is occupied by a one-story auto repair facility. The adjacent property to the south of the project site is occupied by a two-story building containing a mix of land uses (church, yoga studio, dance/performance studio, automotive/metalworking shop) and a surface parking lot for 12 vehicles.



There are two-story, single-family homes on the west side of Cayuga Avenue across from the project site and on the north side of Ocean Avenue across from the project site. A gas station occupies the northwest corner of Ocean Avenue and Alemany Boulevard. There are two- and three-story, multi-family residential buildings and a one-story restaurant on the east side of Alemany Boulevard across from the project site. To the east of the restaurant is a four-story mixed-use building featuring residential uses above a vacant ground-floor commercial space.

The existing scale of development in the area ranges from one story to four stories. Most of the buildings in the project vicinity are residential, but there are neighborhood-serving commercial uses along the portion of Ocean Avenue east of Alemany Boulevard. Other land uses in the area include the Croatian American Cultural Center (one block south of the project site), Balboa High School (one block southwest), and Balboa Park (0.25 mile west).

The project site is well served by public transportation. Within one-quarter mile of the project site, Muni operates the following bus lines: the 14 Mission, 14R Mission Rapid, 14X Mission Express, 29 Sunset, 49 Van Ness/Mission, and 52 Excelsior. In addition, Muni operates several light rail lines in the project vicinity. The J Church runs along San Jose Avenue to the northwest of the project site, just outside of the one-quarter-mile radius. The K Ingleside/T Third Street and M Oceanview light rail lines terminate at the Balboa Park Muni station at San Jose and Geneva avenues, about one-half mile southwest of the project site. The Bay Area Rapid Transit District's Balboa Park station is also located at San Jose and Geneva avenues.

### **Cumulative Context**

The cumulative context for land use effects are typically localized, within the immediate vicinity of the project site, or at the neighborhood level. Cumulative development in the project vicinity (within approximately a quarter-mile radius of the project site) includes the following projects, which are either under construction or for which the Planning Department has a project application on file. The areas and the projects relevant to the analysis vary, depending on the topic, as detailed in the cumulative analyses presented in subsequent sections of this document.

- Case No. 2015-001961ENV: 350 Ocean Avenue (construction of mixed-use building with 24 dwelling units, approximately 1,225 sf of commercial space, and 12 parking spaces)
- Case No. 2015-003791ENV: 203 Cotter Street (demolition of existing greenhouse and storage sheds and construction of a 15,400-sf private school (Golden Bridges school) serving kindergarten through eighth grade)<sup>3</sup>
- Case No. 2016-012545ENV: 4840 Mission Street (construction of residential building with 134 dwelling units and 24 parking spaces)
- Case No. 2016-013850ENV: 915 Cayuga Avenue (demolition of existing building and construction of mixed-use building with 116 dwelling units, approximately 400 sf of commercial space, and 69 parking spaces)

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<sup>3</sup> The project site is currently home to the Golden Bridges school, and this school is proposing to relocate to 203 Cotter Street.

Implementation of the nearby cumulative development projects would result in the construction of a total of 274 dwelling units, approximately 1,625 sf of commercial space, and a 15,400-sf school serving kindergarten through eighth grade.

### C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the planning code or zoning map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or region, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any approvals and/or permits from city departments other than the planning department or the Department of Building Inspection, or from regional, state, or federal agencies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **San Francisco Planning Code and Zoning Maps**

The San Francisco Planning Code, which incorporates by reference the City's zoning maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. Permits to construct new buildings or to alter or demolish existing buildings may not be issued unless the proposed project complies with the Planning Code, an exception or variance is granted pursuant to the provisions of the Planning Code, or legislative amendments to the Planning Code are included and adopted as part of the proposed project.

#### ***Land Use***

The project site is in the Excelsior Outer Mission Street NCD. Pursuant to Planning Code Section 720, the Excelsior Outer Mission Street NCD is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. Housing development in new buildings is encouraged above the second story, and existing residential units are protected by limitations on demolitions and upper-story conversions.

#### ***Vehicle Parking, Loading, and Bicycle Parking***

Pursuant to Planning Code Section 151, parking for residential and commercial uses is not required. Pursuant to Planning Code Section 151.1, up to one parking space is permitted for each dwelling in the Excelsior Outer Mission Street NCD. The proposed project would include 121 automobile parking spaces (117 residential, one residential motorcycle, two car share, one childcare) and ~~447~~ 171 bicycle parking spaces (~~125~~ 149 Class 1 spaces and 22 Class 2 spaces). Pursuant to Planning Code Section 152, one off-street loading space is required for residential uses for building with a gross floor area between 100,001 - 200,000 square feet. The project has one off-street loading space located in the ground-floor garage. Per Section 155.2, the project is required to provide 125 Class 1 bicycle parking spaces (123 for residential uses and two for the childcare) and 22 Class 2 bicycle parking spaces. The project meets these planning code requirements.



### ***Height and Bulk***

The project site is in a 40-X Height and Bulk District, which permits a maximum building height of 40 feet. Bulk controls reduce the size of a building's floorplates as the building increases in height. Pursuant to Planning Code Section 270(a), there are no bulk controls in an X Bulk District. HOME-SF Tier 2 allows the building height on the project site to be increased to 50 feet plus an additional five feet for active uses on the ground floor.

### ***HOME-SF***

HOME-SF is an optional local density bonus program that provides density bonuses and modifications from Planning Code requirements in exchange for a higher percentage of dwelling units that are affordable to low-, middle-, and moderate-income families, based on the area median income for San Francisco. The project sponsor is seeking modifications to the Planning Code requirements applicable to the project site for rear yard, usable open space, and dwelling unit exposure as well as two height bonuses in exchange for providing 48 dwelling units (25 percent of 193 dwelling units) that would be affordable to low-, middle-, and moderate-income households. The two height bonus would allow for an additional one-story above the 40-foot height limit, and allow a five-foot height bonus for ground-floor elevated residential units.

### ***Floor Area Ratio***

Floor area ratio (FAR) is the ratio of gross floor area of all the buildings on a lot to the area of the lot. Pursuant to Planning Code Section 124(b), FAR shall not apply to dwellings or other residential uses in NCDs. Pursuant to Planning Code Section 720, Table 720, the FAR limit for nonresidential uses in the Excelsior Outer Mission Street NCD is 3.6 to 1. Based on a lot area of 40,497 sf, a maximum of 145,789 sf of nonresidential use could be developed on the project site. The proposed project consists of residential and childcare uses. FAR is not applicable to the residential component of the proposed project, and the ~~5,952~~ 5,942-square-foot childcare facility would comply with the nonresidential FAR limit.

### ***Plans and Policies***

#### ***San Francisco General Plan***

The San Francisco General Plan establishes objectives and policies to guide land use decisions related to the physical development of San Francisco. It is comprised of ten elements, each of which addresses a particular topic that applies citywide: Air Quality; Arts; Commerce and Industry; Community Facilities; Community Safety; Environmental Protection; Housing; Recreation and Open Space; Transportation; and Urban Design. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with general plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their deliberations on whether to approve or disapprove the proposed project.

### ***Proposition M – The Accountable Planning Initiative***

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code and established eight Priority Policies. These policies, and the topics in Section E, Evaluation of Environmental Effects, that address the environmental issues associated with these policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character; (3) preservation and enhancement of affordable housing (Question 2b, Population and Housing, regarding housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a and 5b, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; (6) maximization of earthquake preparedness (Question 15a, Geology and Soils); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Question 10a, Shadow, and Question 11a, Recreation).

Prior to issuing a permit for any project that requires an Initial Study under CEQA, prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies.

As noted above, the compatibility of the proposed project with *General Plan* objectives and policies that do not relate to physical environmental issues will be considered by decision-makers as part of their deliberations on whether to approve or disapprove the proposed project. Any potential conflicts that are identified as part of the process would not alter the physical environmental effects of the proposed project.

### ***Regional Plans and Policies***

The five principal regional planning agencies and their overarching policy-plans to guide planning in the nine-county Bay Area include the Association for Bay Area Governments' *Plan Bay Area and Projections 2040*, the Bay Area Air Quality Management District's *Bay Area 2017 Clean Air Plan*, the Metropolitan Transportation Commission's *Regional Transportation Plan – Transportation 2035*, the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*, and the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. Based on the size and nature of the proposed project, no anticipated conflicts with regional plans would occur.

### **Required Approvals by Other Agencies**

See section A, Project Description, for a list of required project approvals.

## D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hydrology and Water Quality
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Wind	<input type="checkbox"/> Hazards and Hazardous Materials
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Shadow	<input type="checkbox"/> Mineral Resources
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Recreation	<input type="checkbox"/> Energy
<input checked="" type="checkbox"/> Tribal Cultural Resources	<input type="checkbox"/> Utilities and Service Systems	<input type="checkbox"/> Agriculture and Forestry Resources
<input type="checkbox"/> Transportation and Circulation	<input type="checkbox"/> Public Services	<input type="checkbox"/> Wildfire
<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Geology and Soils	

This Initial Study examines the proposed project to identify potential effects on the environment. For each item on the Initial Study checklist, the evaluation has considered the impacts of the proposed project both individually and cumulatively. All items on the Initial Study checklist that have been checked "Less than Significant Impact with Mitigation Incorporated," "Less than Significant Impact," "No Impact," or "Not Applicable" indicate that, upon evaluation, the Planning Department has determined that the proposed project could not have a significant adverse environmental effect relating to that issue. A discussion is included for those issues checked "Less than Significant Impact with Mitigation Incorporated" and "Less than Significant Impact," and for most items checked with "No Impact" or "Not Applicable." For all of the items checked "No Impact" or "Not Applicable" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the *Transportation Impact Analysis Guidelines for Environmental Review* or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Wildlife. The items checked above have been determined to be "Less than Significant with Mitigation Incorporated."

### Aesthetics and Parking

In accordance with CEQA Section 21099: Modernization of Transportation Analysis for Transit-Oriented Projects, aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

- a) The project is in a transit priority area;

- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above criteria; therefore, this initial study does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>4</sup>

### Automobile Delay and Vehicle Miles Traveled

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA.

In January 2016, the OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*<sup>5</sup> recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted the OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution No. 19579). The VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>1. LAND USE AND PLANNING. Would the project:</b>					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>4</sup> San Francisco Planning Department, *Eligibility Checklist for CEQA section 21099: Modernization of Transportation Analysis*, 65 Ocean Avenue (hereinafter “CEQA section 21099 Checklist”), September 2019.

<sup>5</sup> This document is available online at:  
[http://opr.ca.gov/docs/Revised\\_VMT\\_CEQA\\_Guidelines\\_Proposal\\_January\\_20\\_2016.pdf](http://opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf).

**Impact LU-1: The proposed project would not physically divide an established community. (No Impact)**

The division of an established community typically involves the construction of a physical barrier to neighborhood access, such as a new freeway, or the removal of a means of access, such as a bridge or a roadway. Implementation of the proposed project would not result in the construction of a physical barrier to neighborhood access or the removal of an existing means of access; it would result in the construction of a new building containing 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility. Implementation of the proposed project would not alter the established street grid or permanently close any streets or sidewalks. Although portions of the sidewalks adjacent to the project site could be closed for periods of time during project construction, these closures would be temporary in nature. For these reasons, the proposed project would not physically divide an established community. Therefore, the proposed project would not physically divide an established community and would have no impact.

**Impact LU-2: The proposed project would not cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)**

Land use impacts would be considered significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those that directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. Examples of such plans, policies, or regulations include the Bay Area Air Quality Management District's *2017 Clean Air Plan* and the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*. As discussed in Section C, Compatibility with Existing Zoning and Plans, the proposed project would not substantially conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect including Article 10 of the San Francisco Planning Code, the *2017 Clean Air Plan*, San Francisco's *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy) and the San Francisco Urban Forestry Ordinance, as discussed in Section E.3, Cultural Resources, Section E.7, Air Quality, Section E.8 Greenhouse Gas Emissions, and Section E.14, Biological Resources, respectively. Therefore, the proposed project would have a less-than-significant impact related to conflicts with land use plans, policies, or regulations.

**Impact C-LU-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative land use impact. (Less than Significant)**

Cumulative development in the project vicinity (within a quarter-mile radius of the project site) includes projects that are either under construction or for which the Planning Department has a project application on file.

As previously discussed in the Project Setting, the nearby cumulative development projects would result in the construction of a total of 274 dwelling units, approximately 1,625 sf of commercial space, and a 15,400-sf school serving kindergarten through eighth grade in the



project vicinity. The nearby cumulative development projects would not physically divide an established community by constructing a physical barrier to neighborhood access or removing a means of access. Furthermore, these projects would not conflict with any adopted environmental plan or policy, including Article 10 of the San Francisco Planning Code, the 2017 *Clean Air Plan*, the San Francisco's GHG Reduction Strategy, and the San Francisco Urban Forestry Ordinance, as discussed in Section E.3, Cultural Resources, Section E.7, Air Quality, Section E.8, Greenhouse Gas Emissions, and Section E.14, Biological Resources, respectively. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects to create a significant cumulative land use impact.

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>2. POPULATION AND HOUSING. Would the project:</b>					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing units, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact PH-1: The proposed project would not directly or indirectly induce substantial unplanned population growth in an area. (*Less than Significant*)**

In general, a project would be considered growth-inducing if its implementation would result in substantial unplanned population growth or new development that might not otherwise occur without the project. The proposed project, which would result in the construction of a new building containing 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility, would directly increase the residential population on the project site and contribute to anticipated population growth in both the neighborhood and citywide contexts.

The 2010 U.S. Census reported a population of 805,235 persons in San Francisco and a population of 6,810 persons in Census Tract 261, which includes the project site and its immediate vicinity.<sup>6</sup> The population of census tracts within a quarter-mile radius of the project site is about

<sup>6</sup> U.S. Census Bureau, *American FactFinder, Profile of General Population and Housing Characteristics: 2010, 2010 Demographic Profile Data*. Available online at [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml) and <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, accessed May 1, 2019.

25,459 persons.<sup>7</sup> Based on an average household size for San Francisco of 2.27 persons per unit in 2015, implementation of the proposed project would increase the residential population at the project site by about 438 residents.<sup>8</sup> This would represent a residential population increase of about 6.43 percent over the 2010 population within Census Tract 261, about 1.72 percent over the 2010 population within the project vicinity (census tracts within a quarter-mile of the project site), and about 0.05 percent over the 2010 citywide population. The population increase attributable to the proposed project would represent about 0.12 percent of the projected citywide increase in population of about 364,250 persons anticipated between 2010 and 2040.<sup>9</sup> The increase in the number of dwelling units associated with the proposed project is not considered substantial unplanned population growth that would cause a substantial adverse physical change to the environment. The project site is already developed, is in an established neighborhood, and is served by existing infrastructure. The proposed project would not indirectly induce substantial population growth in the project vicinity, because it would not extend any roads or other infrastructure into areas where roads or other infrastructure currently do not exist.

Construction of the proposed project would result in up to 500 temporary employees on the project site for the duration of the construction period. Operation of the proposed childcare facility would result in five permanent employees on the project site and operation of the residential building would result in employment of up to 12 employees.<sup>10</sup> Implementation of the proposed project would not induce substantial growth or concentration of employment that would cause a substantial adverse physical change to the environment.

The proposed project would be consistent with San Francisco General Plan objectives and policies and Association of Bay Area Governments (ABAG) priority development area goals and criteria; it is located on an infill site, is served by existing transit, and is in an area containing a mix of moderate density housing, services, retail, employment, and civic or cultural uses. Furthermore, as discussed in Section E.12, Utilities and Service Systems, and Section E.13, Public Services, the population growth generated under the proposed project would not require the expansion of infrastructure or services that would cause adverse physical impacts. Therefore, the proposed project's estimated population growth would not constitute substantial unplanned growth. Implementation of the proposed project would not directly or indirectly induce substantial population growth in the project vicinity that would cause a substantial adverse physical change to the environment.

In summary, the project-related increase in residential population would be less than significant in relation to the existing number of residents in the project vicinity and in relation to the

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<sup>7</sup> Census Tracts 255, 260.01, 260.04, and 261. U.S. Census Bureau, *American FactFinder, Profile of General Population and Housing Characteristics: 2010, 2010 Demographic Profile Data*. Available online at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, accessed May 1, 2019.

<sup>8</sup> Association of Bay Area Governments (ABAG), *Projections 2040*. Available at <http://projections.planbayarea.org>, accessed June 26, 2019.

<sup>9</sup> *Ibid.* The projected residential population of San Francisco for 2040 is 1,169,485 persons.

<sup>10</sup> Jody Knight, email correspondence with Chelsea Fordham, Principal Environmental Planner, San Francisco Planning Department, September 13, 2019.

expected increases in the residential population of San Francisco. The proposed project would not directly or indirectly induce substantial population growth or concentration of employment in the project vicinity or citywide such that an adverse physical change to the environment would occur. This impact would be less than significant, and no mitigation measures are necessary.

**Impact PH-2: The proposed project would not displace substantial numbers of existing housing units or people necessitating the construction of replacement housing. (*Less than Significant*)**

The proposed project would not displace substantial numbers of existing housing units, because there are no existing housing units on the project site. Implementation of the proposed project would not result in the need to construct replacement units to house substantial numbers of people. Additionally, the demolition of two existing commercial building with one vacant preschool building and one building containing Golden Bridges School would not displace employees, resulting in need for construction of replacement housing elsewhere. This is because Golden Bridges School would relocate to a site in the project vicinity. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-PH-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to population and housing. (*Less than Significant*)**

The cumulative context for population and housing effects are typically citywide. Over the last several years, the supply of housing has not met the demand for housing in San Francisco. In December 2013, the ABAG projected regional housing needs in the *Regional Housing Need Plan for the San Francisco Bay Area: 2015-2023*. According to this report, the housing growth need of San Francisco for 2015 through 2023 is 28,869 dwelling units: 6,234 units in the very low income level (0 to 50 percent of the area median income); 4,639 units in the low income level (51 to 80 percent); 5,460 units in the moderate income level (81 to 120 percent); and 12,536 units in the above moderate income level (120 percent and higher).<sup>11</sup> These numbers are consistent with the development pattern identified in *Plan Bay Area 2040*, a state-mandated, integrated long-range transportation, land use, and housing plan.<sup>12</sup> As part of the planning process for Plan Bay Area, San Francisco identified priority development areas, which consist of areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. The project site is located within the Mission-San Jose Corridor Priority Development Area. Therefore, although the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the area, it would not induce substantial population growth beyond that already anticipated to occur. For these reasons, the proposed project, in combination with other past, present, and reasonably

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<sup>11</sup> ABAG, *Regional Housing Need Plan, San Francisco Bay Area, 2015-2023*, July 2013.

<sup>12</sup> Metropolitan Transportation Commission and ABAG, *Plan Bay Area: 2040*, July 26, 2017, <http://2040.planbayarea.org/>, accessed January 12, 2018.

foreseeable future projects, would not result in a significant cumulative impact related to population and housing.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>3. CULTURAL RESOURCES. Would the project:</b>					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5, including those resources listed in article 10 or article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact CR-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource. (*Less than Significant*)**

Historical resources are those properties that meet the definitions in Section 21084.1 of the CEQA statute and Section 15064.5 of the CEQA Guidelines. Historical resources include properties listed in, or formally determined eligible for listing in, the California Register of Historical Resources or in an adopted local historic register. Historical resources also include resources identified as significant in a historical resource survey meeting certain criteria. Additionally, properties that are not listed but are otherwise determined to be historically significant, based on substantial evidence, would also be considered historical resources. The significance of a historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance ...”<sup>13</sup>

Implementation of the proposed project would include the demolition of the three existing buildings on the project site. In evaluating whether the proposed project would cause a substantial adverse change in the significance of a historical resource, the Planning Department must first determine whether the existing buildings on the project site are historical resources. A property may be considered a historical resource if it meets any of the California Register criteria related to (1) events, (2) persons, (3) architecture, or (4) information potential, that make it eligible for listing in the California Register, or if it is considered a contributor to a potential historic district.

Two of the existing buildings on the project site were constructed during the early 1950s and are age eligible; these two buildings were evaluated to determine if they are historic resources.

<sup>13</sup> CEQA Guidelines 15064.5(b)(2)(A).

A Historic Resource Evaluation (HRE) was prepared to assist the Planning Department in determining whether these buildings are historical resources.<sup>14</sup> The Planning Department reviewed the HRE, concurred with the findings, and issued a determination that the buildings are not historical resources, as summarized below.<sup>15</sup>

Both buildings were constructed during the early 1950s; they are associated with the gradual development of the southern portion of San Francisco but do not possess a specific association to support a finding of significance under Criterion 1: Events.<sup>16</sup> None of the owners or occupants of the buildings has been identified as important to history.<sup>17</sup> Therefore, the buildings are not eligible for listing in the California Register under Criterion 2: Persons. Although the buildings exhibit some of the general characteristics of mid-century modern commercial architecture, they represent unremarkable examples of this architectural style.<sup>18</sup> Therefore, the buildings are not eligible for listing in the California Register under Criterion 3: Architecture. The subject property does not appear to be eligible for listing in the California Register under Criterion 4: Information Potential. Impact CR-2, below, discusses whether the subject property contains archeological resources that could yield information important to history.

The third building on the project site is a prefabricated trailer that was installed in 1985. This building is not age-eligible to be considered a historical resource under CEQA. The project site is not located within a designated or potential historic district.

In conclusion, the existing buildings at 65 Ocean Avenue are not eligible for listing in the California Register as individual resources or as contributors to a historic district and thus are not considered historical resources under CEQA. For these reasons, the proposed project would not cause a substantial adverse change in the significance of a historical resource. This impact would be less than significant, and no mitigation measures are necessary.

**Impact CR-2: The proposed project could cause a substantial adverse change in the significance of an archeological resource. (*Less than Significant with Mitigation*)**

Determining the potential for encountering archeological resources is based on relevant factors such as the location, depth, and amount of excavation proposed as well as any recorded information on known resources in the area. Construction of the proposed project would require excavation to a depth of up to 21 feet below ground surface and the removal of about 13,500 cubic yards of soil. Due to the depth of the proposed excavation, the Planning Department conducted a Preliminary Archeological Review and determined that the project site is sensitive for prehistoric, Hispanic Period, 19th century, and early 20th century archeological deposits.

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<sup>14</sup> Left Coast Architectural History, *65 Ocean Avenue, Historic Resource Evaluation*, November 2, 2016.

<sup>15</sup> San Francisco Planning Department, *Preservation Team Review Form, 65 Ocean Avenue*, October 5, 2017.

<sup>16</sup> *Ibid*, p. 2.

<sup>17</sup> *Ibid*, p. 2.

<sup>18</sup> *Ibid*, p. 2.

Excavation as part of the proposed project could damage or destroy these subsurface archeological resources, which would impair their ability to convey important scientific and historical information. The proposed project could result in a significant impact on archeological resources if such resources are present within the project site. Implementation of Mitigation Measure M-CR-2, Archeological Testing, would be required to reduce the potential impact on archeological resources to a less-than-significant level. Archeological testing, monitoring, and data recovery would preserve and realize the information potential of archeological resources. The recovery and documentation of information about archeological resources that may be encountered within the project site would enhance knowledge of prehistory and history. This information would be available to future archeological studies, contributing to the collective body of scientific and historic knowledge. With implementation of Mitigation Measure M-CR-2, the proposed project would not cause a substantial adverse change in the significance of an archeological resource should one be discovered during excavation of the project site.<sup>19</sup>

### **Mitigation Measure M-CR-2: Archeological Testing**

Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources and on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archeologist. After the first project approval action or as directed by the Environmental Review Officer (ERO), the project sponsor shall contact the Planning Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5(a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>20</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially

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<sup>19</sup> San Francisco Planning Department, *Environmental Planning Preliminary Archeological Review*, 65 Ocean Avenue, October 16, 2017.

<sup>20</sup> The term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

interested descendant group, an appropriate representative<sup>21</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Monitoring Program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO, in consultation with the project archeologist, shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archeological resources and to their depositional context;
- The archeological consultant shall undertake a worker training program for soils-disturbing workers that will include an overview of expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of

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<sup>21</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archeologist.

the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO, in consultation with the archeological consultant, determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate



curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* If human remains and associated or unassociated funerary objects are discovered during any soils-disturbing activity, all applicable state and federal laws shall be followed, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Section 15064.5(d)) within six days of the discovery of the human remains. This proposed timing shall not preclude the PRC 5097.98 requirement that descendants make recommendations or preferences for treatment within 48 hours of being granted access to the site. The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached, state regulations shall be followed including the reinterment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Public Resources Code Section 5097.98).

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The Draft FARR shall include a curation and deaccession plan for all recovered cultural materials. The Draft FARR shall also include an Interpretation Plan for public interpretation of all significant archeological features.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, the consultant shall also prepare a public distribution version of the FARR. Copies of the FARR shall be distributed as follows: the California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning Division of the Planning Department shall receive one bound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for

nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of public interest in or the high interpretive value of the resource, the ERO may require a different or additional final report content, format, and distribution than that presented above.

With implementation of Mitigation Measure M-CR-2, this impact would be less than significant.

**Impact CR-3: The proposed project could not disturb human remains. (*Less than Significant with Mitigation*)**

In the unlikely event that human remains are encountered during construction, any inadvertent damage to human remains would be considered a significant impact. In order to reduce this potential impact to a less-than-significant level, the project sponsor must implement Mitigation Measure M-CR-2, Archeological Testing, which includes the required procedures for the treatment of human remains. With implementation of Mitigation Measure M-CR-2, as described above, the proposed project would have a less-than-significant impact on previously unknown human remains.

**Impact C-CR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in cumulative impacts on cultural resources. (*Less than Significant*)**

Impacts on historical resources and archeological resources are generally site-specific and limited to the construction area of an individual development project. One of the proposed cumulative development projects, 915 Cayuga Avenue, is adjacent to and south of the project site. These two projects could combine to create a cumulative impact on archeological resources, as the potential exists for the same archeological site to be impacted by both projects.

As discussed under Impact CR-1, implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource because the existing buildings on the project site are not considered historical resources under CEQA. For this reason, the proposed project would not make a cumulatively considerable contribution to a significant cumulative impact on historical resources should one be identified. This impact would be less than significant.

The potential exists for the cumulative projects to encounter previously unidentified archeological resources during ground-disturbing activities. Disturbance of these resources during construction of the proposed project or other cumulative projects could result in significant cumulative impacts on archeological resources. The contribution of the proposed project could be cumulatively considerable. However, with implementation of Mitigation Measure M-CR-2, described above, the proposed project would not make a cumulatively considerable contribution to impacts on archeological resources. This impact would be less than significant with mitigation.

<b>Topics:</b>		<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>4. TRIBAL CULTURAL RESOURCES. Would the project:</b>						
a)	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact TC-1: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource. (*Less than Significant with Mitigation*)**

Public Resources Code section 21074.2 requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in section 21074, tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, in a national, state, or local register of historical resources.

Pursuant to Assembly Bill 52, effective July 1, 2015, within 14 days of a determination that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency is required to contact the Native American tribes that are culturally or traditionally affiliated with the geographic area in which the project is located. Notified tribes have 30 days to request consultation with the lead agency to discuss potential impacts on tribal cultural resources and measures for addressing those impacts.

On February 5, 2019, the Planning Department mailed a "Tribal Notification Regarding Tribal Cultural Resources and CEQA" to the appropriate Native American tribal representatives who

have requested notification. During the 30-day comment period, no Native American tribal representatives contacted the Planning Department to request consultation.

However, there is always some potential for unknown tribal cultural resources to be encountered during excavation activities. As discussed under Impact CR-2, the project site is in an archeologically sensitive area with the potential for prehistoric archeological resources, which may be considered TCRs. In the event that construction activities disturb unknown archeological sites that are considered TCRs, any inadvertent damage would be considered a significant impact. Mitigation Measure M-TC-1: Tribal Cultural Resources Interpretive Program, would address impacts related to the discovery of previously unknown TCRs.

**Mitigation Measure M-TC-1: Tribal Cultural Resources Interpretive Program**

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The ERO also shall be notified immediately upon the discovery of human remains.

The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement ("Agreement") with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.

Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of the MLD. However, if the ERO, project sponsor and MLD are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.

Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's archaeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner and the ERO.

With implementation of Mitigation Measure M-TC-1, this impact would be less-than-significant.

**Impact C-TC-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in cumulative impacts on tribal cultural resources. (*Less than Significant with Mitigation*)**

Impacts on tribal cultural resources are generally site-specific and limited to the construction area of an individual development project. One of the proposed cumulative development projects, 915 Cayuga Avenue, is adjacent to and south of the project site. These two projects could combine to create a cumulative impact on tribal cultural resources, as the potential exists for the same resources to be impacted by both projects. Disturbance of these resources during construction of the proposed project or 915 Cayuga Avenue could result in significant cumulative impacts on tribal cultural resources. The contribution of the proposed project could be cumulatively considerable. However, with implementation of Mitigation Measure M-TC-1, described above, the proposed project would not make a cumulatively considerable contribution to impacts on tribal cultural resources. This impact would be less than significant with mitigation.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>5. TRANSPORTATION AND CIRCULATION— Would the project:</b>					
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## SETTING

The project site fronts three streets: Cayuga Avenue on the west, Ocean Avenue on the north, and Alemany Boulevard on the east. The project site is currently occupied by three buildings and a surface parking lot with 21 parking spaces.

The Cayuga Avenue project frontage contains two adjacent curb cuts with widths of 49 feet and 22 feet. Along Ocean Avenue on the east side of the lot line is a curb cut with a width of 33 feet. Existing sidewalk widths surrounding the project site are 15 feet along Cayuga Avenue, 9.5 feet along Ocean Avenue<sup>22</sup>, and 10 feet along Alemany Boulevard. Street parking is present on the west side of Cayuga Avenue, on the east side of Cayuga Avenue south of the project site, and on both sides of Alemany Boulevard. Street parking is present on the north side of Ocean Avenue, but street parking is not permitted on the south side of Ocean Avenue, which includes a bus stop serving Muni's 29 Sunset and 49 Van Ness/Mission bus lines. There are Class II bicycle lanes on westbound Ocean Avenue and both northbound and southbound Alemany Boulevard, and there is a Class III bicycle lane on eastbound Ocean Avenue. There is an all-way stop-controlled intersection at Cayuga Avenue/Ocean Avenue/Santa Ynez Avenue, which includes yellow continental crosswalks on all approaches, and there is a signal at the Ocean Avenue/Alemany Boulevard intersection, which features transverse striped crosswalks on all approaches.

The proposed project consists of demolishing the existing buildings on the project site and constructing an approximately 55-foot-tall building containing 193 dwelling units and a ~~5,952~~ 5,942- gsf childcare facility. The proposed project would provide 121 vehicle parking spaces, ~~425~~ 149 Class 1 bicycle parking spaces, 22 Class 2 bicycle parking spaces, and one off-street freight loading/service vehicle space. The vehicle parking spaces, Class 1 bicycle parking spaces, and the freight loading/service vehicle space would be located in a basement-level garage. Vehicles would enter and exit the garage via a 20-foot wide curb cut and driveway on Cayuga Avenue.

A 44-foot-long passenger loading zone (white curb) would be provided along Alemany Boulevard for both the residential and childcare uses. Childcare drop-off would begin in the mornings at 7:00 a.m., and pick-up would occur until 6:00 p.m. In both cases, on-site childcare staff would escort the children to and from the curb. The existing curb cut on Cayuga Avenue would be reduced in width from 80 feet to 20 feet, and the curb line north of the proposed 20-foot-wide curb cut would be restored. In the location where the curb line would be restored, the project sponsor proposes the designation of a no parking zone (red curb) on the east side of Cayuga Avenue from the driveway to the southern crosswalk at the intersection of Cayuga and Ocean avenues. In addition, the existing curb cut on Ocean Avenue would be removed.

## IMPACTS

### *Appendix G Questions and Significance Criteria*

San Francisco Administrative Code Chapter 31 directs the Planning Department to identify environmental effects of a project using as its base the environmental checklist form set forth in Appendix G of the *CEQA Guidelines*. As it relates to transportation and circulation, Appendix G asks whether the project would:

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<sup>22</sup> This is the surveyed width of the sidewalk along Ocean Avenue; however, the existing functional width of the sidewalk is 6.5 feet.

- conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);
- substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; and
- result in inadequate emergency access

The Planning Department uses significance criteria to facilitate the transportation analysis and address the Appendix G checklist. The Planning Department separates the significance criteria into construction and operation.

### ***Construction***

Construction of the project would have a significant effect on the environment if it would require a substantially extended duration or intense activity; and the effects would create potentially hazardous conditions for people walking, bicycling, or driving, or public transit operations; or interfere with accessibility for people walking or bicycling or substantially delay public transit.

### ***Operation***

The operational impact analysis addresses the following five significance criteria. A project would have a significant effect if it would:

- create potentially hazardous conditions for people walking, bicycling, or driving or public transit operations;
- interfere with accessibility of people walking or bicycling to and from the project site, and adjoining areas, or result in inadequate emergency access;
- substantially delay public transit;
- cause substantial additional VMT or substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow travel lanes) or by adding new roadways to the network; or
- result in a loading deficit and the secondary effects would create potentially hazardous conditions for people walking, bicycling, or driving or substantially delay public transit.

## **PROJECT-LEVEL IMPACTS**

The following discussion is based on the analysis, findings, and information contained in a transportation circulation memorandum and a supplemental memorandum prepared for the proposed project.<sup>23,24</sup>

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<sup>23</sup> Kittelson & Associates, *65 Ocean Avenue Transportation Circulation Memorandum*, August 1, 2019.

<sup>24</sup> Kittelson & Associates, *65-99 Ocean Avenue, Circulation Memo Supplement: Project Description Changes*, September 13, 2019.

**Impact TR-1: Construction of the proposed project would not require a substantially extended duration or intense activity and the secondary effects would not create potentially hazardous conditions for people walking, bicycling, or driving; or interfere with accessibility for people walking or bicycling; or substantially delay public transit. (*Less than Significant*)**

Construction of the proposed project is expected to last 25 months. It is anticipated that up to 148 daily construction worker vehicle trips would be generated during the building construction period. Given the project's location in close proximity to high-quality local and regional transit service, a substantial portion of construction workers would be expected to take public transit to and from the project site.

Construction staging would largely occur on the project site, with transport of materials either via Cayuga Avenue or Ocean Avenue. In concordance with the proposed streetscape improvements and the need for construction scaffolding along Ocean Avenue, portions of the sidewalk along the project's Ocean Avenue frontage would need to be closed temporarily (approximately six to eight weeks). These closures would be performed in sections. As such, the bus stop on Ocean Avenue just east of Cayuga Avenue would need to be temporarily relocated further east along Ocean Avenue toward Alemany Boulevard for a period of time.

The project sponsor would be required to follow the *Regulations for Working in San Francisco Streets*.<sup>25</sup> For sidewalks along the closed frontage portions, signage and protection for people walking would be erected, as appropriate. Sidewalk and travel lane closures, including along Ocean Avenue, would be needed at various stages throughout construction. The contractor would be required to maintain adequate bicycle and walking circulation at all times. The closures would be coordinated with the City in order to minimize the impacts on local traffic.

The impact of construction traffic would be a temporary lessening of the capacities on surrounding roadways and truck routes, as well as connecting local streets, due to the slower movement and larger turning radii of trucks. Construction truck and worker vehicle traffic could result in minor congestion and conflicts with vehicles, transit, people walking and bicyclists. Construction activities would be temporary and of limited duration, and the majority of construction activity would occur during off-peak hours when traffic volumes are minimal and potential for conflicts is low. Therefore, the proposed project would have a less-than-significant transportation-related construction impact.

Implementation of Improvement Measure I-TR-1: Coordinated Construction Traffic Management Plan, discussed below, would further reduce any less-than-significant transportation impacts related to project construction.

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<sup>25</sup> San Francisco Municipal Transportation Agency, *Regulations for Working in San Francisco Streets*, September 2012. Available at <https://www.sfmta.com/reports/construction-regulations-blue-book>, accessed September 16, 2019.



### **Improvement Measure I-TR-1: Coordinated Construction Traffic Management Plan**

The project sponsor should participate in the preparation and implementation of a coordinated construction traffic management plan that includes measures to reduce hazards between construction-related traffic and pedestrians, bicyclists, and transit vehicles. The coordinated construction traffic management plan should be prepared in coordination with other public and private projects within a one-block radius that may have overlapping construction schedules and should be subject to review and approval by the City's interdepartmental Transportation Advisory Staff Committee (TASC). The plan should include, but not necessarily be limited to, the following measures:

**Restricted Construction Access Hours:** Limit truck movements and deliveries requiring lane closures to occur between 9:00 a.m. and 4:00 p.m., outside of peak morning and evening weekday commute hours.

**Alternative Transportation for Construction Workers:** Provide incentives to construction workers to carpool, use transit, bike, and walk to the project site as alternatives to driving alone to and from the project site. Such incentives may include, but not be limited to, providing secure bicycle parking spaces, participating in the free-to-employee-and-employer ride matching program from [www.511.org](http://www.511.org), participating in the emergency ride home program through the City of San Francisco ([www.sferh.org](http://www.sferh.org)), and providing transit information to construction workers.

**Construction Worker Parking Plan:** The location of construction worker parking will be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking will be discouraged. The project sponsor could provide on-site parking once the below-grade parking garage is usable.

**Coordination of Temporary Sidewalk Closures:** The project sponsor should coordinate sidewalk closures with other projects requesting concurrent lane or sidewalk closures through the TASC and interdepartmental meetings, to minimize the extent and duration of requested closures.

**Maintenance of Transit, Vehicle, Bicycle, and Pedestrian Access:** The project sponsor/construction contractor(s) should meet with Public Works, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to include in the Coordinated Construction Management Plan to maintain access for transit, vehicles, bicycles, and pedestrians. This should include an assessment of the need for temporary transit stop relocations or other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the project.

**Proposed Project Construction Updates for Adjacent Businesses and Residents:** Provide regularly updated information regarding project construction, including a construction contact person, construction activities, duration, peak construction activities (e.g., concrete pours), travel lane closures,

and lane closures (bicycle and parking) to nearby residences and adjacent businesses through a website, social media, or other effective methods acceptable to the ERO.

**Impact TR-2: Operation of the proposed project would not create potentially hazardous conditions for people driving, walking, or bicycling, or for public transit operations. (*Less than Significant*)**

The proposed project is estimated to generate 2,062 daily person trips in the form of 1,190 auto trips, 291 walking trips, 470 transit trips, and 111 trips by other modes (e.g., bicycle, motorcycle, taxi). However, the proposed project would not alter the existing street grid, reconfigure the intersections near the project site, or introduce other physical features that would increase hazards for people driving, walking, or bicycling, or for public transit operations.

***Driving Impacts***

As discussed below, the proposed project would be designed to minimize hazards related to queuing of inbound vehicles on Cayuga Avenue. The proposed project's garage door and driveway would be designed to reduce wait time and ingress/egress time with priority given to inbound vehicles. The garage door would be a high-speed model operated with a remote for inbound vehicles and with an electronic reader for outbound vehicles. The proposed driveway is not wide enough to accommodate two vehicles side by side, so there would be an interior queuing area with a gate arm for up to three vehicles just inside the garage door. In the event of simultaneous arrivals and departures, the gate arm would hold outbound vehicles in the interior queuing area to allow inbound vehicles to enter the garage first and keep Cayuga Avenue clear.

In addition, the project sponsor intends to request the designation of a no parking zone (red curb) on the east side of Cayuga Avenue from the driveway to the southern crosswalk at the intersection of Cayuga and Ocean avenues. If this request is approved by the SFMTA, drivers exiting the proposed project's garage would have a clear line of sight from the driveway to the intersection of Cayuga and Ocean avenues.

For these reasons, operation of the proposed project would not create potentially hazardous conditions for people driving. This impact would be less than significant, and no mitigation measures are necessary.

Improvement Measure I-TR-2: Queue Abatement, would further reduce the proposed project's less-than-significant impact related to traffic hazards.

**Improvement Measure I-TR-2: Queue Abatement**

Prior to a recurring queue occurring (e.g., if queues are observed for a consecutive period of two minutes or longer), the owner/operator of the parking facility will employ abatement methods as needed to abate a reoccurring queue. Appropriate abatement methods will be tailored to the characteristics and causes of a reoccurring queue on Cayuga Avenue, as well as the characteristics of the project driveway and garage.

Suggested abatement methods may include, but are not limited to, the following: redesign of the garage and/or driveway to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; additional Transportation Demand Management (TDM) strategies, such as additional bicycle parking, or parking demand management strategies.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department will notify the property owner in writing. Upon request, the owner/operator will hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant will prepare a monitoring report to be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue does exist, the facility owner/operator will have 90 days from the date of the written determination to abate the queue.

### ***Walking Impacts***

Implementation of the proposed project would increase the level of pedestrian activity in the area above existing levels, with the proposed project estimated to generate 128 walking trips during the p.m. peak hour. People walking to and from the project site would likely be traveling to and from public transit stops and stations in the project vicinity or to and from nearby businesses along Ocean Avenue and Alemany Boulevard.

The proposed project is estimated to generate 97 vehicle trips during the p.m. peak hour: 72 inbound (one every 50 seconds) and 25 outbound (one every 2.4 minutes). The operation of the project driveway prioritizes vehicle ingress and reduces conflict between inbound and outbound vehicles, such that bidirectional traffic would not straddle the sidewalk while a person attempts to walk past the driveway. Finally, given the expected p.m. peak hour traffic volumes along Cayuga Avenue (107 northbound and 141 southbound), outbound drivers would not be expected to wait long to find a gap and merge into Cayuga Avenue traffic, thus minimizing time spent leaving the project site and keeping overall traffic-related exposure for people walking to a minimum.

As part of the proposed project, the existing curb cut on Cayuga Avenue would be reduced in width from 80 feet to 20 feet. The curb line north of the proposed 20-foot-wide curb cut and driveway would be restored, thus improving the existing condition of the sidewalk at this location. On-street parking at this location could be restricted, pending review and approval by the SFMTA. In addition, the existing utility pole south of the proposed 20-foot-wide driveway would be relocated underground. All of these proposed streetscape improvements would enhance sightlines for people walking along the east side of Cayuga Avenue.

For these reasons, operation of the proposed project would not create potentially hazardous conditions for people walking. This impact would be less than significant, and no mitigation measures are necessary.

As previously discussed under “Driving Impacts,” implementation of Improvement Measure I-TR-2: Queue Abatement, would ensure that vehicle queueing does not occur on Cayuga Avenue, thus minimizing any potential hazards for people walking on the Cayuga Avenue sidewalk.

### ***Bicycling Impacts***

Implementation of the proposed project would increase the level of bicycling activity in the area above existing levels. Bicyclists intending to travel west from the project site would likely exit the garage onto Cayuga Avenue and access the westbound Class II bicycle lane on Ocean Avenue. Bicyclists intending to travel north, south, or east from the project site would likely exit the garage onto Cayuga Avenue and access the eastbound Class II bicycle lane on Ocean Avenue or turn left or right on Alemany Boulevard to travel north or south. Alternatively, bicyclists may exit through the building’s main entrance on Ocean Avenue.

The proposed project is estimated to generate 97 p.m. peak hour vehicle trips at the proposed driveway on Cayuga Avenue. Turning movement counts collected for this project show Cayuga Avenue serving 16 p.m. peak hour bicyclists (eight northbound and eight southbound). The addition of project vehicles at the driveway and along surrounding streets would not be substantial nor would they occur across a bicycle facility used by a substantial amount of people bicycling.

The proposed project includes a 44-foot-long passenger loading zone on Alemany Boulevard to serve both the residents and the childcare facility, with up to 32 expected passenger loading events during the p.m. peak hour. The loading zone is long enough to accommodate two vehicles at a time. Each passenger loading pick-up or drop-off event would include vehicle movements across the Class II bicycle lane along Alemany Boulevard. The proposed supply of passenger loading facilities is expected to satisfy the demand without spillover effects (i.e., drivers would not need to idle in the travel lane or across the bicycle lane). During traffic counts conducted in December 2017, eight people bicycling were observed passing the project site along Alemany Boulevard during the p.m. peak hour under existing conditions. The volume of passenger loading events and the volume of people bicycling, together with the sufficient curb supply for loading events, would minimize the likelihood of conflicts along Alemany Boulevard.

For these reasons, operation of the proposed project would not create potentially hazardous conditions for people bicycling. This impact would be less than significant, and no mitigation measures are necessary.

### ***Public Transit Impacts***

Muni’s 29 Sunset and 49 Van Ness/Mission bus lines run along Ocean Avenue past the project site. The proposed project’s garage would be located on Cayuga Avenue instead of Ocean Avenue, thus eliminating any potential hazards that could result from vehicles entering or exiting the garage as buses are driving past the project site. Implementation of the proposed project would not alter the established street grid or result in any other changes that could adversely affect public transit operations adjacent to or near the project site.

For these reasons, operation of the proposed project would not create potentially hazardous conditions for public transit operations. This impact would be less than significant, and no mitigation measures are necessary.

**Impact TR-3: Operation of the project would not interfere with accessibility of people walking or bicycling to and from the project site and adjoining areas or result in inadequate emergency access. (*Less than Significant*)**

Implementation of the proposed project would not alter the established street grid, permanently close any streets or sidewalks, or eliminate or reconfigure any existing bicycle routes. Although portions of the sidewalks adjacent to the project site could be closed for periods of time during project construction, these closures would be temporary in nature. Once construction of the proposed project has been completed, people walking and bicycling would experience unrestricted access to and from the project site as they currently do under existing conditions.

As part of the proposed project, the sidewalk along Ocean Avenue would be restored to its surveyed width of 9.5 feet from its existing functional width of 6.5 feet.<sup>26</sup> This sidewalk extension would provide more room for people walking along Ocean Avenue, particularly at a well-utilized Muni bus stop at the southeast corner of Cayuga and Ocean avenues.

Implementation of the proposed project would not result in the permanent closure of any existing streets in the project vicinity or any alterations to the roadway network that would preclude or restrict emergency vehicle access to the project site. Therefore, emergency vehicle access would remain unchanged from existing conditions. Emergency vehicles would continue to access the project site from Alemany Boulevard, Ocean Avenue, or Cayuga Avenue. This impact would be less than significant, and no mitigation measures are necessary.

**Impact TR-4: Operation of the proposed project would not substantially delay public transit. (*Less than Significant*)**

The proposed project is estimated to generate 85 transit trips (66 inbound, 19 outbound) during the weekday p.m. peak hour. Transit riders to and from the project site would use the nearby Muni bus and light rail lines for local trips, and the regional lines (potentially with transfers to and from Muni) for trips outside San Francisco. Transit riders with local destinations may also choose to use BART via the Balboa Park or Glen Park stations.

Among the 66 transit riders inbound to the project site, trip origins would be dispersed from within San Francisco and regional locations. The variety of origins yields an insubstantial number of project trips coming from any one origin or along any one transit line during the p.m. peak hour and could be accommodated by existing transit capacity. Therefore, the

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<sup>26</sup> Due to a fence and property encroachment on the sidewalk, the functional width of the Ocean Avenue sidewalk is 6.5 feet instead of its surveyed width of 9.5 feet. These encroachments would be removed as part of the proposed project.

proposed project would not have an impact on ridership and capacity utilization for local and regional transit operators during the weekday p.m. peak hour.

The proposed project would not result in the permanent relocation or removal of any existing bus stops or other changes that would alter transit service. The proposed project would not directly interfere with transit operations as a result of its design. However, the proposed project would generate 97 weekday p.m. peak hour vehicle trips (72 inbound, 25 outbound) and up to 32 passenger loading trips (14 residential and 18 childcare trips) during the p.m. peak hour. Project vehicle trips may result in delays to transit vehicles at two locations: along Geneva Avenue between Mission Street and San Jose Avenue, and along Ocean Avenue between Alemany Boulevard and Cayuga Avenue. Each location is discussed below.

Given the project site's proximity to Interstate 280, it is anticipated that some project-related vehicle trips would travel to and from Interstate 280 along Geneva Avenue. An initial analysis was conducted to assess the likelihood of project vehicle trips contributing to delays to Muni buses along Geneva Avenue. The only vehicle trips that would likely use the portions of Geneva Avenue between Mission Street and Interstate 280 were project trips to and from the South Bay, of which there are 10 (8 inbound and 2 outbound) during the p.m. peak-hour. These drivers are equally likely to use either Interstate 280 or US 101. Even assuming all of these drivers use Interstate 280, the 10 additional p.m. peak hour trips would not contribute to a substantial amount of transit delay along Geneva Avenue.

Of the 72 inbound driving trips that would be generated by the proposed project, 66 would be estimated to pass through the all-way stop-controlled Cayuga Avenue/Ocean Avenue/Santa Ynez Avenue intersection. Twenty-four of the 25 outbound driving trips and 19 of 32 passenger loading trips would be estimated to pass through the same intersection. The proposed project's contribution to total entering vehicles at this intersection thus represents about 110 p.m. peak hour vehicle trips (in addition to the existing 1,000 total entering vehicle trips during the p.m. peak hour).

Muni's 29 Sunset and 49 Van Ness/Mission bus lines run along Ocean Avenue and have stops at this intersection, with p.m. peak hour headways of 9 and 12 minutes, respectively. Both bus lines have an eastbound stop and a westbound stop on Ocean Avenue. Operations analysis was conducted to assess transit delay at this intersection, and the operations results show an increase of 2.6 seconds per vehicle in the eastbound direction and 7.9 seconds per vehicle in the westbound direction. Both delay numbers would be minimal.

For these reasons, the proposed project would result in a less-than-significant impact related to transit delay, and no mitigation measures are necessary.

**Impact TR-5: Operation of the proposed project would not cause substantial additional VMT.**  
*(Less than Significant)*

#### *Vehicle Miles Traveled (VMT) Analysis*

As discussed in Section D, Summary of Environmental Effects, in January 2016, the State Office of Planning and Research (OPR) recommended that transportation impacts for projects be measured

using a vehicle miles traveled (VMT) metric. In March 2016, the San Francisco Planning Commission adopted the OPR's recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects

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.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones (TAZs). TAZs are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to the entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would overestimate VMT.<sup>27, 28</sup>

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<sup>27</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>28</sup> San Francisco Planning Department, *Executive Summary: Resolution Modifying Transportation Impact Analysis*, Appendix F, Attachment A, March 3, 2016.

For residential development, the existing regional average daily VMT per capita is 17.2.<sup>29</sup> For office development, the existing regional average daily VMT per office employee is 19.1. Childcare uses are treated as office uses for the purposes of VMT analysis. Average daily VMT for these land uses are projected to decrease under future 2040 cumulative conditions. Please see Table 2: Daily Vehicle Miles Traveled, which includes the TAZ, 48, in which the project site is located.

**Table 2: Average Daily Vehicle Miles Traveled**

<u>Land Use</u>	<u>Existing</u>			<u>Cumulative 2040</u>		
	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 48 Average</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 48 Average</u>
Households (Residential)	17.2	14.6	10.3	16.1	13.7	9.3
Employment (Office)	19.1	16.2	11.5	17.0	14.5	9.9

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research's (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* ("proposed transportation impact guidelines") recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within a TAZ that exhibits low levels of VMT. Small Projects are projects that would generate fewer than 100 vehicle trips per day. The Proximity to Transit Stations criterion includes projects that are within a half-mile of an existing major transit stop, have a floor area ratio that is equal to or greater than 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

In TAZ 48, the existing average daily household VMT per capita is 10.3, and the existing average daily VMT per office employee is 11.5.<sup>30</sup> In TAZ 48, the future 2040 average daily household

<sup>29</sup> Includes the VMT generated by the households in the development and averaged across the household population to determine VMT per capita.

<sup>30</sup> CEQA Section 21099 Checklist.



VMT per capita is estimated to be 9.3, and the future 2040 average daily VMT per office employee is estimated to be 9.9. Given that the project site is located in an area in which the existing and future 2040 residential and office employee VMT would be more than 15 percent below the existing and future 2040 regional averages, the proposed project's residential and childcare uses would not result in substantial additional VMT. Furthermore, the project site meets the Proximity to Transit Stations screening criterion, which also indicates the proposed project's residential and childcare uses would not cause substantial additional VMT.<sup>31</sup> For these reasons, the proposed project would result in less-than-significant impacts related to VMT.

**Impact TR-6: Operation of the proposed project would not result in a loading deficit. (*Less than Significant*)**

***Freight Loading***

The proposed project would include one off-street freight loading space in the garage. The loading space would be 27'-6" long and 7'-8" wide with a vertical clearance of 12 feet. Given that the proposed project is entirely residential except for a ~~5,952~~ 5,942-gsf childcare facility, large trucks (e.g. semi-trucks, tractor-trailers) are not anticipated to need access to the project site. From the proposed loading zone, drivers would access the main entrance for people walking via an elevator accessible from the freight loading walkway. Upon entering the building, they would be able to access any floor via the elevators down a hallway from the lobby.

The proposed project would generate an average of approximately six freight delivery/service vehicle trips per day, which corresponds to a demand of one loading space during the average and peak hour of loading activity.

The proposed supply of off-street freight loading facilities in the garage is sufficient to satisfy the demand and would not result in a loading deficit. This impact would be less than significant, and no mitigation measures are necessary.

***Passenger Loading***

As part of the proposed project, the project sponsor would request that the SFMTA designate a new passenger loading zone (white curb) on Alemany Boulevard along the project site's frontage. The proposed passenger loading zone would be 44 feet long and would begin at a point approximately 150 feet south of the intersection with Ocean Avenue. The passenger loading zone would be able to accommodate two passenger vehicles at one time.

Residents and visitors would use the proposed passenger loading zone for pick-up and drop-off. The length of the passenger loading zone would be sufficient to accommodate the anticipated demand of 17 loading instances during the peak 15 minutes of the p.m. peak hour. The passenger loading zone is not anticipated to be continually occupied. Passenger loading demand is estimated to equal 32 vehicles (14 residential and 18 childcare trips) during the p.m. peak hour,

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<sup>31</sup> *Ibid.*

for a needed supply equal to about two passenger vehicle equivalents (44 feet). The proposed supply of passenger loading facilities would meet the demand.

Childcare drop-off would begin in the mornings at 7:00 a.m., and pick-up would occur until 6:00 p.m. In both cases, on-site childcare staff would escort the children to and from the curb. This process would ensure that pick-up and drop-off activities could occur quickly at the curb without parents needing to park or exit their vehicles. Parents and guardians would be notified in advance of the operations plan. An entrance to the childcare facility would be provided along the proposed building's Alemany Boulevard frontage adjacent to the proposed passenger loading zone, which would provide ingress and egress for childcare staff to facilitate the pick-up and drop-off of children in the morning and evening. This building entrance would lead directly to a stairwell and elevator that provide access to the childcare facility on the first floor.

The proposed supply of passenger loading facilities is sufficient to satisfy the demand and would not result in a loading deficit. This impact would be less than significant, and no mitigation measures are necessary.

Implementation of Improvement Measure I-TR-3: Passenger Loading Education, would further reduce the proposed project's less-than-significant impact related to loading.

#### **Improvement Measure I-TR-3: Passenger Loading Education**

The project sponsor should encourage resident and visitor use of the designated Alemany Boulevard passenger loading zone rather than any curb space along the proposed project's Ocean Avenue frontage. The sponsor should supplement the promotion and move-in packets included as part of proposed TDM Measure INFO-3 (Tailored Transportation Marketing Services). Supplementary printed materials should explain that Alemany Boulevard is the preferred passenger loading location and should request that residents both direct pick-up or drop-off drivers and direct any visitors being dropped off or picked up to use the Alemany Boulevard passenger loading zone.

Additionally, the project sponsor should install signage directing residents or visitors to the Alemany Boulevard exit and passenger loading zone. This signage should be co-located with the multimodal wayfinding signage proposed to be included in the proposed project as part of TDM Measure INFO-1 (Multimodal Wayfinding Signage).

#### ***Residential Move-In/Move-Out Activities***

It is anticipated that residents of the building would utilize either the proposed off-street loading space in the garage or adjacent on-street parking spaces for move-in/move-out activities. From the off-street loading space in the garage, items would be transported along the off-street loading walkway to the residential lobby via an elevator. From adjacent street parking spaces, items would be transported along the Ocean Avenue sidewalk to the main entrance and then to any floor via the elevators down a hallway from the lobby. Should on-street parking be necessary for

move-in/move-out activities, spaces would need to be reserved through the SFMTA's temporary signage program.<sup>32</sup> Typically, these activities occur during off-peak times, such as in the evenings and on weekends, when there are lower traffic and walking volumes in the area.

Given the peak-hour freight loading demand of one space for the proposed project and the options for accommodating residential move-in/move-out activities discussed above, the proposed project would not result in a loading deficit. This impact would be less than significant, and no mitigation measures are necessary.

## 2040 CUMULATIVE CONDITIONS

The 2040 cumulative conditions assess the long-term impacts of the proposed project in combination with other reasonably foreseeable projects (cumulative projects).

**Impact C-TR-1: The proposed project, in combination with cumulative projects, would not result in significant construction-related transportation impacts. (*Less than Significant*)**

It is possible that the proposed project and cumulative development projects, particularly the adjacent cumulative project at 915 Cayuga Avenue, could be constructed simultaneously. All project sponsors would be required to follow the *Regulations for Working in San Francisco Streets*. For sidewalks along the closed frontage portions, signage and protection for people walking would be erected, as appropriate. Sidewalk and travel lane closures would be needed at various stages throughout construction. The contractors would be required to maintain adequate bicycle and walking circulation at all times. The closures would be coordinated with the City in order to minimize the impacts on local traffic.

The effect of any simultaneous construction-related traffic would be a temporary lessening of the capacities on surrounding roadways and truck routes, as well as connecting local streets, due to the slower movement and larger turning radii of trucks. Construction truck and worker vehicle traffic could result in minor congestion and conflicts with vehicles, transit, people walking and bicyclists. Construction activities would be temporary and of limited duration, and the majority of construction activity would occur during off-peak hours when traffic volumes are minimal and potential for conflicts is low.

This impact would be less-than significant, and no mitigation measures are necessary. Implementation of Improvement Measure I-TR-1: Coordinated Construction Traffic Management Plan, would further reduce this less-than-significant impact.

**Impact C-TR-2: The proposed project, in combination with cumulative projects, would not create potentially hazardous conditions. (*Less than Significant*)**

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<sup>32</sup> Information about the San Francisco Municipal Transportation Agency's temporary signage permits is available at <https://www.sfmta.com/permits/temporary-signage>, accessed September 16, 2019.

As discussed under Impact TR-2, the proposed project would be designed to minimize hazards related to queuing of inbound vehicles on Cayuga Avenue. The proposed project's garage door and driveway would be designed to reduce wait time and ingress/egress time with priority given to inbound vehicles. Similarly, the adjacent cumulative project at 915 Cayuga Avenue has been designed to prioritize access for inbound vehicles in order to eliminate queues along Cayuga Avenue.

Implementation of the proposed project would increase the level of pedestrian activity in the area above existing levels. The proposed project has been designed to minimize hazards to people walking along Cayuga Avenue past the project site. Design features include a visual warning device at the project driveway to alert people walking when the garage door is in operation. There would also be an interior queuing area just inside the garage door so that outbound vehicles can wait without blocking the sidewalk. The adjacent cumulative project at 915 Cayuga Avenue would include similar design features to minimize hazards for people walking.

Implementation of the proposed project would increase the level of bicycling activity in the area above existing levels. Both the proposed project and the adjacent cumulative project at 915 Cayuga Avenue would provide on-street freight loading and passenger loading zones along Alemany Boulevard, where there is a bicycle lane. The loading zones, both individually and together, would be able to adequately accommodate the project-related loading demand without vehicles blocking the bicycle lane for loading activities. As discussed under Impact TR-2, the bicycle lane on Alemany Boulevard is not used by a substantial number of people bicycling. During traffic counts conducted in December 2017, eight people bicycling were observed passing the project site along Alemany Boulevard during the p.m. peak hour under existing conditions. Given the volume of estimated loading activities and the volume of bicycle trips, it is not expected that either people driving or people bicycling would need to make conflicting movements across the bicycle lane.

Muni's 29 Sunset and 49 Van Ness/Mission bus lines run along Ocean Avenue past the project site. The garages of the proposed project and the adjacent cumulative project at 915 Cayuga Avenue would be located on Cayuga Avenue instead of Ocean Avenue, thus eliminating any potential hazards that could result from vehicles entering or exiting the garages as buses are driving along Ocean Avenue. Implementation of the proposed project and cumulative projects would not alter the established street grid or result in any other changes that could adversely affect public transit operations in the project vicinity.

The proposed project, in combination with cumulative projects, would not create potentially hazardous conditions for people driving, walking, or bicycling, or for public transit operations. This impact would be less than significant, and no mitigation measures are necessary. Implementation of Improvement Measure I-TR-2: Queue Abatement, would further reduce this less-than-significant impact.

**Impact C-TR-3: The proposed project, in combination with cumulative projects, would not interfere with accessibility. (*Less than Significant*)**

Implementation of the proposed project and cumulative projects would not alter the established street grid, permanently close any streets or sidewalks, or eliminate or reconfigure any existing bicycle routes. Although portions of the sidewalks adjacent to the various project sites could be closed for periods of time during project construction, these closures would be temporary in nature. Once construction of the proposed project and cumulative projects has been completed, people walking and bicycling would experience unrestricted access to and from the various project sites as they currently do under existing conditions.

Implementation of the proposed project and cumulative projects would not result in the permanent closure of any existing streets in the project vicinity or any alterations to the roadway network that would preclude or restrict emergency vehicle access to the project site. Therefore, emergency vehicle access would remain unchanged from existing conditions.

The proposed project, in combination with cumulative projects, would not interfere with accessibility. This impact would be less-than significant, and no mitigation measures are necessary.

**Impact C-TR-4: The proposed project, in combination with cumulative projects, would not substantially delay public transit. (*Less than Significant*)**

Operation of the proposed project and cumulative projects would result in an increase in the number of vehicles on the local roadway network, and these additional vehicles could potentially delay public transit in the project vicinity. Some of these additional vehicles would pass through the Cayuga Avenue/Ocean Avenue/Santa Ynez Avenue intersection.

Muni's 29 Sunset and 49 Van Ness/Mission bus lines run along Ocean Avenue and have stops at this intersection, with p.m. peak hour headways of 9 and 12 minutes, respectively. Operations analysis was conducted to assess transit delay at this intersection under cumulative conditions. The operations results show that, compared to existing conditions, there would be an increase of four seconds per vehicle in the eastbound direction and 15 seconds per vehicle in the westbound direction. Both delay numbers would be minimal.

The proposed project, in combination with cumulative projects, would not substantially delay public transit. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-TR-5: The proposed project, in combination with cumulative projects, would not cause substantial additional VMT or substantially induce automobile travel. (*Less than Significant*)**

Table 2: Average Daily Vehicle Miles Traveled, under Impact TR-5 shows the estimated VMT in the year 2040 for the San Francisco Bay Area and in TAZ 48. The future 2040 regional average daily household VMT per capita is estimated to be 16.1, and the future 2040 regional average daily VMT per office employee is estimated to be 17.0. In TAZ 48, the future 2040 average daily household VMT per capita is estimated to be 9.3, and the future 2040 average daily VMT per office employee is estimated to be 9.9.

Given that the proposed project and cumulative projects are in an area in which the daily averages for future 2040 residential and office employee VMT would be more than 15 percent below the future 2040 regional averages, the proposed project would not combine with cumulative projects to cause substantial additional VMT. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-TR-6: The proposed project, in combination with cumulative projects, would not result in significant loading impacts. (*Less than Significant*)**

While there would be a general increase in vehicle traffic and loading demand associated with cumulative projects in the project vicinity, loading impacts are localized and site-specific. As discussed under Impact TR-6, the proposed project would generate a demand of one freight loading/service vehicle space during the peak hour of loading activity and a demand of 32 passenger loading events during the p.m. peak hour. The adjacent cumulative project at 915 Cayuga Avenue would generate a demand of one freight loading/service vehicle space during the peak hour of loading activity and a demand of nine passenger loading events during the p.m. peak hour. These two projects represent the expected changes between existing conditions and cumulative conditions related to loading demand on the project block.

As discussed under Impact TR-6, the proposed project would provide one off-street freight loading/service vehicle space in the garage and a 44-foot-long passenger loading zone on Alemany Boulevard. The project at 915 Cayuga Avenue would provide a 66-foot-long dual-use freight loading and passenger loading zone on Alemany Boulevard. This dual-use loading zone provides curb space in excess of the expected peak demand for both freight loading and passenger loading, and loading activities associated with the project at 915 Cayuga Avenue would not be expected to spill over to the proposed project.

Considered together, both projects would provide adequate loading facilities to meet project-specific and cumulative demand. This impact would be less than significant, and no mitigation measures are necessary. Implementation of Improvement Measure I-TR-3: Passenger Loading Education, would further reduce this less-than-significant impact.

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>6. NOISE. Would the project result in:</b>					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

An environmental noise and vibration analysis was conducted to assess the project's construction and operational noise and vibration impacts. The findings and recommendations are presented in a noise and vibration report and are summarized below.<sup>33</sup>

Additionally, the project site is not within the vicinity of a private airstrip or an airport land use plan area. Therefore, the proposed project would not result in the long-term exposure of people residing or working in the area to excessive airport-related noise levels, and these criteria are not discussed further in this initial study.

**Impact NO-1: Construction of the proposed project could generate substantial temporary or periodic increases in ambient noise levels in the project vicinity. (*Less than Significant with Mitigation*)**

Demolition, excavation, and building construction would cause a temporary increase in noise levels within the project vicinity. Construction equipment and activities would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. The construction period for the proposed project would last approximately 25 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and affected receptor, and the presence (or absence) of barriers. Additionally, the project sponsor is not proposing construction during nighttime hours (8pm to 7am the following morning), and therefore this assessment only

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<sup>33</sup> Shen, Milsom, Wilke, *Environmental Noise and Vibration Analysis*, 65 Ocean Avenue, San Francisco, California, September 16, 2019.

considers construction during daytime hours. Impacts would generally be limited to periods during which excavation and grading occurs, new foundations are installed, and exterior structural and facade elements are constructed. Additionally, no pile driving would be required to construct the project.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The noise ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. For reference, Table 3 provides estimated construction noise for each of the equipment items expected to be used for project construction using the Federal Highway Administration Roadway Construction Noise Model (FHWA). Impact tools (e.g., jackhammers, hoe rams, impact wrenches) must have manufacturer recommended and city-approved mufflers for both intake and exhaust. Section 2908 of the noise ordinance prohibits construction work between 8 p.m. and 7 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of the Department of Public Works or the Director of Building Inspection.



**Table 3. Maximum Noise Levels from Construction Equipment**

Phase	Equipment Type	Substituted Equipment (FHWA) <sup>2</sup>	FHWA Ref. Noise Level, dBA Lmax @ 100 ft.	Quantity	Months Used	Use Hours per Day	Percent of Phase
Demolition	Excavator	Excavator	75	1	1	6	40%
	Tractors/Loaders/Backhoes	Backhoe	72	2	1	7	40%
	Air Compressors	Air Compressor	72	2	1	8	40%
	Generator	Generator	75	1	1	8	50%
	Concrete/Industrial Saw	Concrete Saw	<b>84</b>	5	1	6	20%
Excavation and Shoring	Excavator	Excavator	75	1	2	6	40%
	Loaders/Backhoes	Backhoe	72	2	2	7	40%
	Graders	Grader	79	1	2	6	40%
	Pile and Drilling Rig	Auger Drill Rig	78	1	1.5	7	20%
Building Construction	Air Compressors	Air Compressor	72	2	12	8	40%
	Crane	Crane	75	2	12	8	16%
	Generator	Generator	75	2	12	8	50%
	Cement and Mortar Mixers	Concrete Pump Truck	75	2	10	4	20%
	Welders	Welders/Torches	68	6	10	4	40%
	Forklift	Man Lift	72	1	16	6	20%

**NOTES:**

1. Interior Construction is expected to be comprised of mostly interior site-work, exterior noise levels associated with interior site-work were not evaluated in this analysis
2. Equipment items from the FHWA were substituted for similar items on the equipment list – assumptions from this list are subject to change during the building permit review process; the reviewed equipment provides a conservative analysis of potential noise.
3. Reference Construction Noise Levels from Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM)

As shown in the Table 3 above, noise levels measured at 100 feet from individual pieces of construction equipment would only exceed the 80 dBA threshold for concrete saws. However, this type of equipment noise is typically considered intermittent and temporary because this equipment is typically used for short durations over specific targeted areas of the site as opposed to generally throughout (such as excavation and shoring equipment, trucks, etc.). Therefore, the project would comply San Francisco Police Code standards except for the concrete saw, which would be used for a limited duration.

Because the noise ordinance does not include a combined construction equipment noise standard and does not establish a noise limit for impact tools and equipment meeting certain requirements, construction noise was evaluated by reviewing noise levels that would be generated by project construction according to the Federal Transit Administration guidelines. Using FTA's general assessment construction noise criterion (90 dBA daytime 8-hour Leq)<sup>34</sup> and an increase in the ambient noise level of more than 10 dBA<sup>35</sup> at sensitive receptor locations, the construction noise analysis below evaluates noise from the two loudest pieces of equipment used for each construction phase. This is a reasonable worst-case scenario of construction noise because it is unlikely that more than the two pieces of equipment would operate at the same time at the same location on-site. The project sponsor provided a list of the construction equipment that is expected to be used to construct the project. Noise reference levels in FHWA's Road Construction Noise Model User's Guide were used to assess noise from the projects construction equipment.<sup>36</sup> Note that the FTA guidelines for construction noise were developed in the context of transportation projects. However, it is reasonable to use these guidelines for the proposed project because the guidelines address noise resulting from construction equipment, regardless of the project context.

To determine if the project would result in a substantial temporary increase in noise related to construction, the ambient noise levels at the nearest sensitive receptor were first compared to the construction noise levels from the use of two loudest pieces of construction equipment at that receptor. If construction noise would result in a level greater than 90 dBA or an increase of more than 10 dBA over ambient, then a potentially significant impact could occur, depending on the duration and level of exceedances of these noise criteria. Thus, construction noise that would exceed the above noted criteria would be evaluated to determine if the severity and duration would be substantial and prolonged. An exceedance of the FTA and the 10 dBA-above-ambient construction noise criteria is not necessarily considered to be a significant impact because there are non-quantitative considerations, such as the severity and duration of construction noise, which are also determinants of whether an impact is significant. The level of exceedances during construction are discussed in the context of human hearing, distance from the noise source, and

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<sup>34</sup> 90 dBA is considered "very loud" by the US Department of Housing and Urban Development, *The Noise Guidebook Chapter 1 Figure 1, p 1*, March 2009. Available at <https://www.hudexchange.info/resource/313/hud-noise-guidebook/>, accessed June 26, 2018.

<sup>35</sup> A 10 dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

<sup>36</sup> Federal Highway Administration, *Roadway Construction Noise Model User's Guide*, January 2006, Washington, D.C., [http://www.fhwa.dot.gov/environment/noise/construction\\_noise/rcnm/rcnm.pdf](http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/rcnm.pdf).

the noticeability of noise increases, while construction noise duration, in conjunction with severity, is evaluated in terms of the potential of the noise to adversely affect sensitive receptors. As such, this analysis uses both quantitative and qualitative assessments in the evaluation of construction noise impacts.

To determine the ambient noise levels, noise-level measurements were conducted at representative locations in the vicinity of the project area. Noise measurements were recorded to establish the baseline ambient noise levels that existing noise-sensitive land uses currently experience in the project area and are presented in Table 4 below. As shown in Table 4 below, ambient noise levels surrounding the project site range from 66 to 69 dBA, and the primary source of ambient noise is traffic along Ocean and Alemany Avenue.

**Table 4. Existing Ambient Noise Levels**

Location	Site Description	24-Hr Average (Leq)	Lowest Typical Ambient (L <sub>90</sub> )	
			Daytime (7am-8pm)	Nighttime (8pm-7am)
LT-1	Adjacent to the existing Golden Bridges school building and Alemany Blvd.	69.4 dBA Ldn	51 dBA	41 dBA
LT-2	Adjacent to the project site and Ocean Ave.	67.3 dBA Ldn	52 dBA	42 dBA
LT-3	Adjacent to the project site and Cayuga Ave.	65.9 dBA Ldn	49 dBA	41 dBA

Additionally, the construction noise analysis considers the noise in terms of the nearest noise-sensitive receptors. The most noise sensitive receptors in terms of project-related noise would be residential and hotel land uses because these are places where people will normally sleep. Nearby land uses (e.g. churches and schools) are also typically associated with noise-sensitive operations and is therefore included below. Receptors within 1000 feet of the project site boundary, associated land use type, and approximate distances to the closest property line are listed in the following Table 5 below.

**Table 5. Noise Sensitive Receptors near Project Site**

<b>Sensitive Receptor</b>	<b>Land Use Type</b>	<b>Minimum Setback from Project Site (ft)</b>
<b>1:</b> Neighborhood (Santa Ynez/Ocean)	Residential Neighborhood	60
<b>2:</b> Neighborhood (Santa Ynez/Cayuga)	Residential Neighborhood	75
<b>3:</b> Neighborhood (Ocean/Cayuga)	Residential Neighborhood	55
<b>4:</b> Neighborhood (Valerton Ct)	Residential Neighborhood	15
<b>5:</b> Croatian American Cultural Center	Community Center	360
<b>6:</b> Balboa High School	School	550
<b>7:</b> SF Muslim Community Center	Community Center	380
<b>8:</b> Mission Child Care Consortium	Child Care Center	290
<b>9:</b> Neighborhood (Leo/Aleman)	Residential Neighborhood	100

The daytime construction noise analysis evaluates noise from the two loudest pieces of construction equipment at sensitive receptor locations to determine if construction noise would exceed 90 dBA or be 10 dBA above the ambient noise level. If so, the evaluation considers the duration and severity of noise levels in determining whether the project would result in a significant noise impact. Table 6 shows the worst-case noise levels for each major phase of construction for the proposed project. As indicated above, the worst-case noise levels assume that the two loudest pieces of equipment from each construction phase are operating simultaneously. None of the construction phases would exceed the FTA criteria of 90 dBA as shown in the Table 6 below.

**Table 6. Combined Maximum Construction Noise Levels**

Phase	Two Loudest Pieces of Equipment	Receiver #4 South Property Line		Receiver #5 Ocean/Cayuga	
		Distance <sup>1</sup>	Combined Lmax	Dist.	Combined Lmax
Demolition	1. Concrete Saw 2. Generator or Excavator	120 feet	82.5 dBA	195 feet	78.3 dBA
Excavation and Shoring	1. Grader 2. Pile and Drilling Rig	120 feet	80.1 dBA	195 feet	75.9 dBA
Building Construction	1. Generator or Cement Mixer or Crane 2. (same as 1)	120 feet	76.0	195 feet	71.8 dBA
1. Distance between the center of the site and the receiving property line per 2018 FTA Transit Noise and Vibration Impact Assessment Manual Eq. 7-1					

For the evaluation of noise impacts with respect to the 10 dBA increase above ambient noise levels as a result of project construction, construction noise is compared to the Leq ambient noise levels in the project area. Predicted noise levels from construction activities at the two nearest residential receivers are provided in the Table 7 below. Construction noise at the residential properties directly south of the project would be well above the 10 dBA increased noise criteria when project construction equipment is operating near the adjoining property line due to the very limited setback. Noise levels at sensitive receivers with setbacks of 55 feet or more from the project site would generally meet the 10 dBA above ambient criteria except during project demolition. However, noise levels would still clearly exceed the local ambient levels during times of high construction activity near the property lines.

**Table 7. Estimated Daily Leq at Nearest Sensitive Receptors**

	<b>#3 Neighborhood (Ocean/Cayuga Avenue)  55 ft setback</b>	<b>#4 Neighborhood (Valerton Court);  15 ft setback</b>
Demolition	84 dBA	96 dBA
Excavation and Shoring	83 dBA	95 dBA
Building Construction	81 dBA	92 dBA
Exceedance over Ambient Threshold (60 dBA existing ambient)	21 to 24 dB	32 to 36 dB

As discussed above, noise levels from construction at the nearest sensitive receptors at Valerton Court would range from 96 to 92 dBA, which is a 32 – 36 dBA increase over ambient noise levels of 60 – 64 dBA. Additionally, noise levels from construction at the nearest sensitive receptors along Ocean Avenue and Cayuga Avenue would range from 84 to 81 dBA, which is a 21 – 24 dBA increase over ambient noise levels. Thus, nearly all construction activities would result in noise levels that are 10 dBA or greater than the existing noise levels. In reality, daily average noise levels at the sensitive receptors would be lower as equipment moves around the site due to increased distance, and the noise levels predicted here would likely only represent temporary conditions.

In addition, as discussed above, the increase could be as high as 36 dBA, which would be substantially greater than 10 dBA increase over ambient noise conditions and noticeable to sensitive receptors. The duration of these exceedance would be limited because construction would last 25 months, and the loudest of these activities would occur during demolition and excavation and shoring, which would be of limited duration during the overall construction timeline. Because unmitigated construction noise could be as much as 36 dBA greater than ambient noise levels, representing a substantial increase, the proposed project would result in temporary or periodic construction noise that would be substantially above ambient noise levels. This impact is therefore considered to be significant.

Implementation of Mitigation Measure M-NO-1, Construction Noise Control, would reduce daytime construction noise resulting from the proposed project. Components of the construction noise control plan would be implemented to reduce construction noise and its effect on nearby sensitive land uses by requiring measures to control noise and preparation of a noise control plan in response to noise complaints from nearby residents. Measures in the noise control plan would reduce quantitative increases in noise through direct mitigation related to equipment noise, such as measures to ensure that equipment is maintained in a manner that reduces noise, installation of a solid sound barrier adjacent to the closest residence, and through the use of improved mufflers, engine enclosures, and acoustically attenuating shields. These increases would occur under a worst-case scenario, which would involve simultaneous operation of the two loudest

pieces of equipment. These construction noise reduction measures combined with the limited duration of construction (25 months) would serve to mitigate noise increases at sensitive receptor locations during the noisiest construction activities. Therefore, implementation of Mitigation Measure M-NO-1 would reduce the impact to a less-than-significant level.

#### **Mitigation Measure M-NO-1: Construction Noise Control**

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant to ensure that maximum feasible noise attenuation will be achieved for the duration of construction activities. Prior to commencement of demolition and construction activities, the project sponsor shall submit the construction noise control plan to the San Francisco Planning Department for review and approval. Noise attenuation measures shall be implemented to meet a goal of not increasing noise levels from construction activities by more than 10 dBA above the ambient noise level at sensitive receptor locations. Noise measures may include, but are not limited to, those listed below.

- Require that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
- Prohibit gasoline or diesel engines from having unmuffled exhaust systems.
- Ensure that equipment and trucks for project construction use the best available noise control techniques (e.g., improved mufflers, redesigned equipment, intake silencers, ducts, engine enclosures, acoustically attenuating shields or shrouds) wherever feasible. According to the Federal Highway Administration, the use of shields or barriers around noise sources can reduce noise by 5 to 10 dBA, depending on the type of barrier used.
- Use “quiet” gasoline-powered or electrically powered compressors as well as electric rather than gasoline- or diesel-powered forklifts for small lifting, where feasible.
- Locate stationary noise sources, such as temporary generators, concrete saws, and crushing/processing equipment, as far from nearby receptors as possible; muffle and enclose noise sources within temporary enclosures and shield with barriers, which could reduce construction noise by as much as 5 dB; or implement other measures, to the extent feasible.
- Undertake the noisiest activities during times of least disturbance to surrounding residents and occupants, such as midday or early afternoon when residents are more likely to be at work and less likely to be sleeping, as feasible.
- During the demolition phase, provide solid sound barriers (minimum 10 feet high) along property lines facing residential properties. During all project phases (until the building is enclosed), provide a solid sound barrier (minimum 10 feet high) along southern property line.

- In response to noise complaints received from people in the project area, monitor the effectiveness of noise attenuation measures by taking noise measurements. A plan for noise monitoring shall be provided to the City for review prior to the commencement of each construction phase.

The construction noise control plan must include the following measures for responding to and tracking complaints pertaining to construction noise:

- A procedure and phone numbers for notifying the Department of Building Inspection, health department, or the police department of complaints (during regular construction hours and off hours).
- A sign posted onsite describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction.
- Designation of an onsite construction complaint and enforcement manager for the project.
- A plan for notification of neighboring residents and nonresidential building managers within 300 feet of the project construction area at least 30 days in advance of activities that could increase daytime ambient noise levels at sensitive receptor locations by 10 dBA or more. The notification must include the associated control measures that will be implemented to reduce noise levels.

Mitigation Measure M-NO-1 would reduce construction noise impacts on existing sensitive receptors. Therefore, construction noise impacts on existing sensitive receptors would be less than significant with mitigation.

**Impact NO-2: Construction of the project would not generate excessive groundborne vibration or groundborne noise levels. (*Less than Significant*)**

The proposed project would not include the types of construction activities that could produce substantial groundborne vibration such as blasting or pile driving. However, construction equipment used for demolition, site preparation, and excavation activities, such as hoe rams and bulldozers, could generate varying degrees of temporary groundborne vibration, with the highest levels expected during demolition and excavation. Additionally, construction-related vibration impacts depend on the proximity of construction activities to sensitive receptors, the presence of intervening barriers, the number and types of construction equipment, and duration of construction equipment use. Therefore, the potential for construction-related vibration on structures and people (receptors), including cosmetic damage effects on structures was evaluated. Sleep disturbance and associated health effects on people was not evaluated because nighttime construction is not proposed. For building damage, the threshold limit depends on the architectural characteristics of the potentially affected structure, including for modern residential, industrial and commercial buildings. The latest Caltrans guidance manual “Transportation and Construction Vibration” includes guidelines to use in construction projects to address the potential for building damage as summarized in the Table 8 below. This analysis



uses the thresholds for Category III based on a conservative estimate of the surrounding structure types and construction, a standard of 0.2 in/sec PPV is applied.

**Table 8 – Building Damage Vibration Criteria**

<b>Building Class</b>	<b>Continuous Sources (PPV in/sec)</b>	<b>Single-Event Source (PPV in/sec)</b>
<b>Class I:</b> buildings in steel or reinforced concrete, such as factories, retaining walls, bridges, steel towers, open channels, underground chambers and tunnels with and without concrete alignment.	0.5	1.2
<b>Class II:</b> buildings with foundation walls and floors in concrete, walls in concrete or masonry, stone masonry retaining walls, underground chambers and tunnels with masonry alignments, conduits in loose material.	0.3	0.7
<b>Class III:</b> buildings as mentioned above but with wooden ceilings and walls in masonry.	0.2	0.5
<b>Class IV:</b> construction very sensitive to vibration; objects of historic interest.	0.12	0.3

Anticipated project construction vibration levels were estimated using industry standard methodology as documented by Caltrans and other relevant authorities.<sup>37</sup> This analysis predicts construction vibration levels at the nearest sensitive receptors, conservatively assuming construction equipment is operating directly at the nearest property line. Predicted vibration levels for the two nearest sensitive receivers (#3 and #4) are provided in the Table 9 below. Anticipated construction activities that would produce vibration are limited to general earthmoving, light demolition, and other activities that produce relatively low levels of vibration.

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<sup>37</sup> California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, September 2013. Available at [http://www.dot.ca.gov/hq/env/noise/pub/TCVGM\\_Sep13\\_FINAL.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TCVGM_Sep13_FINAL.pdf), accessed: October 30, 2018.

**Table 9 - Predicted Construction Vibration Levels at Receiver**

	<b>#3 Neighborhood (Ocean/Cayuga) 55 ft setback</b>	<b>#4 Neighborhood (Valerton Ct); 15 ft setback</b>
Large Bulldozer or Caisson drilling	0.027 PPV	0.191 PPV
Loaded Trucks	0.023 PPV	0.164 PPV
Jackhammer	0.011 PPV	0.075 PPV
Small Bulldozer	0.0009 PPV	0.006 PPV

Notes:

1. PPV refers to Peak Particle Velocity in inches/second

As shown in the Table 9 above, all construction equipment would be below the building damage threshold for continuous sources of 0.2 inches/second PPV (Category III). Additionally, all equipment vibration would be below the building damage threshold for single-event sources of 0.5 inches/second PPV. Because no building damage thresholds would be exceeded, construction activity would not result in structural damage to any surrounding buildings. This impact would be less than significant.

**Impact NO-3: Operation of the proposed project would not result in a substantial periodic or permanent increase in ambient noise levels. (*Less than Significant*)**

#### **Project-Induced Traffic Noise**

Vehicular traffic makes the largest contribution to ambient noise levels throughout most of San Francisco. Generally, traffic would have to double in volume to produce a noticeable 3 dBA increase in the ambient noise level in the project vicinity.<sup>38</sup> The existing p.m. peak hour vehicle volume on Ocean Avenue, Cayuga Avenue, and Santa Ynez Avenue is 1,000 vehicle trips. The proposed project would generate approximately 104 trips during p.m. peak hour. This increase in vehicle trips would not cause p.m. traffic volumes to double on nearby streets and as a result, project-generated traffic noise would not have a noticeable effect on ambient noise levels in the project site vicinity. Therefore, this impact would be less than significant.

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<sup>38</sup> United States Department of Transportation, Federal Highway Administration, Highway Traffic Noise: Analysis and Abatement Guidance, December 2011, p. 9. Available online at [http://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguidance.pdf](http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf), accessed October 10, 2018

### Fixed Mechanical Equipment Noise

Mechanical building equipment, such as elevators and heating, ventilation and air conditioning (HVAC) systems, would also create operational noise. These noise sources would be subject to the San Francisco Noise Ordinance (Article 29 of the Police Code). Section 2909(d) of the noise ordinance establishes maximum noise levels for fixed noise sources (e.g., mechanical equipment) of 55 dBA (from 7 a.m. to 10 p.m.) and 45 dBA (from 10 p.m. to 7 a.m.) inside any sleeping or living room in any dwelling unit located on residential property to prevent sleep disturbance. Furthermore, section 2909 of the noise ordinance regulates noise levels at residential and commercial properties. Noise at residential properties are limited to no more than 5 dBA above the ambient noise level at the property plane per noise ordinance section 2909 (a).<sup>39</sup>

The proposed project would introduce new stationary noise sources located in different areas of the project building. No new emergency generators would be required. The building mechanical design includes the following fixed-mechanical equipment on the roof consisting of the following equipment:

- VRF Outdoor Condensing Units (76 total HVAC equipment units)
- Garage Exhaust Fan GEF-1 (1 unit)
- General Exhaust Fan EF-1 (1 unit)
- Packaged Air Handling Unit AHU-1 (1 unit)
- Elevator Pressurization Fan EPF-1 (1 unit)
- TV monitor (and associated loudspeakers) proposed on the level 4 roof deck

Compliance with the noise ordinance would require the noise at the property plane be no louder than 50 dBA (45dBA ambient + 5 dBA), which has been used in the following analysis. Using the noise levels from typical HVAC equipment, the anticipated noise levels at the property plane is evaluated with respect to the noise ordinance section 2909(a). Table 10 predicts noise levels with the rooftop equipment and layout. Additionally, these calculations assumed all equipment would operate at full power simultaneously. However, in reality, noise levels experienced by the neighboring properties would be significantly lower due to variable operation throughout the day and night and additional acoustic shielding provided by the project building itself as well as additional distance attenuation beyond the property plane. Noise from the outdoor TV monitor would be designed to be no higher than 50 dBA at the property plane, and such uses are considered to be intermittent and temporary, and would not adversely affect existing sensitive receptors.

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<sup>39</sup> Property plane means a vertical plane including the property line that determines the property boundaries in space.

Note that the elevator pressurization fan is not included in this analysis as it is emergency equipment that would only operate during a fire event, which is exempt from the noise ordinance.<sup>40</sup>

**Table 10 – Predicated HVAC Equipment Noise**

<b>Property Plane</b>	<b>Predicted Combined Equipment Noise at property plane without noise attenuation(dBA)</b>	<b>Noise Ordinance Limit (dBA)</b>	<b>Predicted Combined Equipment Noise at property plane with noise attenuation (dBA)</b>
Ocean Ave	51	50	49
Alemaný Blvd	50	50	44
Cayuga Ave	43	50	43
Corner Lot (Alemany &	60	50	49
Alley (south property line)	51	50	48

As shown in Table 10, the proposed project would meet the noise ordinance section 2909 (a) and (d) with incorporation of the following project features:

- A mechanical screen as a barrier with a height of 10 feet surrounding the equipment. The barrier is made of material with minimum 4 lb/sf surface weight. Minimum 50% of barrier facing the equipment should be covered by sound absorptive material with at least NRC 0.75.
- A silencer with minimum 12 dB noise reduction would be provided at the discharge of the garage exhaust fan.

Additionally, the fixed interior noise limits (55 dBA daytime and 45 dBA nighttime) of noise ordinance of section 2909 (d) would be met if noise is controlled to the property plane limit when considering additional attenuation due to distance to nearby sensitive receptors and closed or partially open windows. Therefore, the proposed project would meet the requirements of the noise ordinance with the incorporation of the 10-foot mechanical screen and silencer on the garage exhaust fan, which are incorporated into the project plans (see Figure X). Therefore, the proposed project's fixed mechanical equipment noise would not result in a significant permanent increase in ambient noise levels. This impact would be less than significant.

### ***Cumulative Impacts***

The geographic scope of analysis for cumulative noise and vibration construction impacts, as well as stationary noise sources, encompasses reasonably foreseeable projects within approximately 1,000 feet of the project site. Beyond 1,000 feet, the contributions of noise from other projects

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<sup>40</sup> Refer to *Guidelines for Noise Control Ordinance Monitoring and Enforcement* Guidance issued by the San Francisco Department of Public Health, December 2014.

would be greatly attenuated through both distance and intervening structures, and their contribution would be expected to be minimal. One cumulative project within this 1,000 foot project vicinity is 915 Cayuga Avenue (Case No. 2016-013850ENV), which is located directly adjacent to the project site.

**Impact C-NO-1: Construction activities for the proposed project, in combination with reasonably foreseeable projects, could result in a substantial temporary increase in noise. (Less than Significant with Mitigation)**

With respect to cumulative construction noise, construction noise from the 915 Cayuga Street project could overlap with construction noise from the proposed project. However, it is currently unknown when construction for this cumulative project would occur, and it is possible that construction activities from that project would not overlap with construction activities from the proposed project. If construction activities do overlap, many of the same noise sensitive receptors could be exposed to construction noise from both projects. Based on the construction noise levels expected with the proposed project, shown in Table 7, the proposed project's contribution to cumulative construction noise would be considerable because the combined project impacts could result in a cumulative construction noise impact, the impact of the proposed project would be the most substantial in terms of increasing ambient noise levels. Because the magnitude of construction noise and the duration of schedule overlap cannot be determined with precision at this time, cumulative noise is conservatively considered to be significant.

With implementation of Mitigation Measure M-NO-1, the project's contribution to cumulative noise impacts would be reduced to a less-than-significant level through the requirement to implement noise control measures and a noise control plan in response to noise complaints from nearby residents. Furthermore, all three projects would be required to comply with the noise ordinance requirements, which limit noise levels from individual pieces of equipment. Therefore, in light of all of the above, the project's contribution to cumulative construction noise impacts would be less than significant with mitigation.

**Impact C-NO-2: Construction activities from the proposed project, in combination with reasonably foreseeable projects, would not generate excessive groundborne vibration. (Less than Significant)**

As shown in Table 9, groundborne vibration from the project construction activities attenuates with distance to levels that are not perceptible and the projects vibration impacts would be less-than-significant. The 915 Cayuga Avenue cumulative project is not proposing construction activities that could produce substantial groundborne vibration such as blasting or pile driving. Additionally, there are no vibration sensitive receivers that could experience combined effects from construction of the proposed project and 915 Cayuga Avenue. As such, there would be no appreciable potential for groundborne vibration from the proposed project to combine with that of reasonably foreseeable projects and result in a significant cumulative vibration impact.

**Impact C-NO-3: Operation of the proposed project, in combination with reasonably foreseeable projects, would not result in a substantial periodic or permanent increase in**

**ambient noise levels in the project vicinity, above levels existing without the project. (Less than Significant)**

Because stationary sources of operational noise are highly localized, the potential for stationary sources of noise (e.g., HVAC equipment) from disparate residential projects to overlap would be very unlikely. As discussed above, stationary equipment at the project site and other new development would be required to comply with the noise ordinance; thus, there would be no cumulative noise impacts from these sources of noise. Consequently, this discussion focuses on cumulative traffic noise impacts.

As discussed above for Impact NO-3, the existing noise environment in the project area is governed primarily by vehicle traffic, and this will continue to be the case in future years. The proposed project combined with other cumulative projects would result in an increase in the number of vehicle trips in future years; however, these projects would not result in a doubling of traffic volumes. Therefore, the cumulative traffic noise would not produce a noticeable 3 dBA increase in the ambient noise level in the project vicinity.<sup>41</sup> Consequently, cumulative traffic noise would not be perceptible, and cumulative traffic noise impacts would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>7. AIR QUALITY. Would the project:</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>41</sup> United States Department of Transportation, Federal Highway Administration, Highway Traffic Noise: Analysis and Abatement Guidance, December 2011, p. 9. Available online at [http://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguide.pdf](http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguide.pdf), accessed October 10, 2018.

## Setting

### Overview

The Bay Area Air Quality Management District (or air district) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (air basin), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa counties and portions of Sonoma and Solano counties. The air district is responsible for attaining and maintaining air quality in the air basin within federal and state air quality standards, as established by the federal Clean Air Act and the California Clean Air Act, respectively. Specifically, the air district has the responsibility to monitor ambient air pollutant levels throughout the air basin and to develop and implement strategies to attain the applicable federal and state standards. The federal and state Clean Air Acts require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the *2017 Clean Air Plan*, was adopted by the air district on April 19, 2017. The *2017 Clean Air Plan* updates the most recent Bay Area ozone plan, the *2010 Clean Air Plan*, in accordance with the requirements of the state Clean Air Act to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single, integrated plan; and establish emission control measures to be adopted or implemented. The *2017 Clean Air Plan* contains the following primary goals:

- Protect air quality and health at the regional and local scale: Attain all state and national air quality standards, and eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Protect the climate: Reduce Bay Area greenhouse gas emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

The *2017 Clean Air Plan* represents the most current applicable air quality plan for the air basin. Consistency with this plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of air quality plans.

### Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the air basin experiences low concentrations of most pollutants when compared to federal or state standards. The air basin is designated as either in attainment<sup>42</sup> or unclassified for most criteria pollutants with the exception

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<sup>42</sup> "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status for a specified criteria air pollutant.

of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.<sup>43</sup>

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 11: Criteria Air Pollutant Significance Thresholds, identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the air basin.

**Table 11: Criteria Air Pollutant Significance Thresholds<sup>44</sup>**

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

**Ozone Precursors.** As discussed previously, the air basin is currently designated as non-attainment for ozone and particulate matter. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Acts emissions limits for stationary sources. To ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, air district Regulation 2, Rule 2 requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors ROG and NO<sub>x</sub>, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).<sup>45</sup> These levels represent emissions below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

<sup>43</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, May 2017, page 2-1.

<sup>44</sup> *Ibid*, page 2-2.

<sup>45</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 17.



Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO<sub>x</sub> emissions as a result of increases in vehicle trips, architectural coating and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects, and those projects that result in emissions below these thresholds would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and NO<sub>x</sub> emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

**Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>).**<sup>46</sup> The air district has not established an offset limit for PM<sub>2.5</sub>. However, the emissions limit in the federal New Source Review for stationary sources in nonattainment areas is an appropriate significance threshold. For PM<sub>10</sub> and PM<sub>2.5</sub>, the emissions limit under New Source Review is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels below which a source is not expected to have an impact on air quality.<sup>47</sup> Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

**Fugitive Dust.** Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices at construction sites significantly controls fugitive dust,<sup>48</sup> and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.<sup>49</sup> The air district has identified a number of best management practices to control fugitive dust emissions from construction activities.<sup>50</sup> The City's Construction Dust Control Ordinance (Ordinance No. 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust, and the best management practices employed in compliance with the City's Construction Dust Control Ordinance are an effective strategy for controlling construction-related fugitive dust.

**Other Criteria Pollutants.** Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years, and SO<sub>2</sub> concentrations have never exceeded the standards.

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<sup>46</sup> PM<sub>10</sub> is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM<sub>2.5</sub>, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

<sup>47</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 16.

<sup>48</sup> Western Regional Air Partnership. 2006. *WRAP Fugitive Dust Handbook*. September 7, 2006. This document is available online at [http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook\\_Rev\\_06.pdf](http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf), accessed February 16, 2012.

<sup>49</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2017, page D-47.

<sup>50</sup> *Ibid.*

The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO<sub>2</sub> emissions represent a negligible portion of the total basin-wide emissions, and construction-related CO emissions represent less than five percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and SO<sub>2</sub>. Furthermore, the air district has demonstrated, based on modeling, that in order to exceed the California ambient air quality standard of 9.0 ppm (8-hour average) or 20.0 ppm (1-hour average) for CO, project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). Therefore, given the Bay Area's attainment status and the limited CO and SO<sub>2</sub> emissions that could result from development projects, development projects would not result in a cumulatively considerable net increase in CO or SO<sub>2</sub> emissions, and quantitative analysis is not required.

### **Local Health Risks and Hazards**

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long duration) and acute (i.e., severe but short-term) adverse effects on human health, including carcinogenic effects. Human health effects of TACs include birth defects, neurological damage, cancer, and mortality. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the air district using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances to provide quantitative estimates of health risks.<sup>51</sup>

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that of other land uses. Therefore, these groups are referred to as sensitive receptors. Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, seven days a week, for 30 years.<sup>52</sup>

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<sup>51</sup> In general, a health risk assessment is required if the air district concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant is then subject to a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

<sup>52</sup> California Office of Environmental Health Hazard Assessment, *Air Toxics Hot Spot Program Risk Assessment Guidelines*, February 2015, pages 4-44 and 8-6.

Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Exposures to fine particulate matter (PM<sub>2.5</sub>) are strongly associated with mortality, respiratory diseases, lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.<sup>53</sup> In addition to PM<sub>2.5</sub>, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (California air board) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.<sup>54</sup> The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the air district to conduct a citywide health risk assessment based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the “Air Pollutant Exposure Zone,” were identified based on health-protective criteria that consider estimated cancer risk, exposures to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations. Each of the Air Pollutant Exposure Zone criteria is discussed below.

**Excess Cancer Risk.** The Air Pollution Exposure Zone includes areas where modeled cancer risk exceeds 100 incidents per one million persons exposed. This criterion is based on United States Environmental Protection Agency (EPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.<sup>55</sup> As described by the air district, the EPA considers a cancer risk of 100 per one million to be within the “acceptable” range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants rulemaking,<sup>56</sup> the EPA states that it “...strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible to an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years.” The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on air district regional modeling.<sup>57</sup>

**Fine Particulate Matter.** In April 2011, the EPA published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, “Particulate Matter Policy

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<sup>53</sup> San Francisco Department of Public Health, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 2008.

<sup>54</sup> California Air Resources Board (ARB), Fact Sheet, “The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines,” October 1998.

<sup>55</sup> BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67.

<sup>56</sup> 54 Federal Register 38044, September 14, 1989.

<sup>57</sup> BAAQMD, *Clean Air Plan*, May 2017, page D-43.

Assessment.” In this document, the EPA concludes that the then-current federal annual PM<sub>2.5</sub> standard of 15 µg/m<sup>3</sup> should be revised to a level within the range of 13 to 11 µg/m<sup>3</sup>, with evidence strongly supporting a standard within the range of 12 to 11 µg/m<sup>3</sup>. The Air Pollutant Exposure Zone for San Francisco is based on the health protective PM<sub>2.5</sub> standard of 11 µg/m<sup>3</sup>, as supported by the EPA’s “Particulate Matter Policy Assessment,” although lowered to 10 µg/m<sup>3</sup> to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

**Proximity to Freeways.** According to the California air board, studies have shown an association between the proximity of sensitive land uses to freeways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Siting sensitive uses in close proximity to freeways increases both exposure to air pollution and the potential for adverse health effects. As evidence shows that sensitive uses in an area within a 500-foot buffer of any freeway are at an increased health risk from air pollution,<sup>58</sup> parcels that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

**Health Vulnerable Locations.** Based on the air district’s evaluation of health vulnerability in the Bay Area, those zip codes (94102, 94103, 94105, 94124, and 94130) in the worst quintile of Bay Area health vulnerability scores as a result of air pollution-related causes were afforded additional protection by lowering the standards for identifying parcels in the Air Pollutant Exposure Zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) PM<sub>2.5</sub> concentrations in excess of 9 µg/m<sup>3</sup>.<sup>59</sup>

The above citywide health risk modeling was also used as the basis in approving amendments to the San Francisco Building and Health Codes, referred to as referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. In addition, projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project’s activities would add a substantial amount of emissions to areas already adversely affected by poor air quality.

## Construction Air Quality Impacts

Project-related air quality impacts fall into two categories: short-term impacts from construction and long-term impacts from project operation. The following addresses construction-related air quality impacts resulting from the proposed project.

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<sup>58</sup> California Air Resources Board (ARB), *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005. Available online at <http://www.arb.ca.gov/ch/landuse.htm>.

<sup>59</sup> San Francisco Planning Department and San Francisco Department of Public Health, *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9, 2014. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14, Amendment to Health Code Article 38.

**Impact AQ-1: The proposed project's construction activities would generate fugitive dust and criteria air pollutants but would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (*Less than Significant*)**

Construction activities (short-term) typically result in emissions of ozone precursors and fine particulate matter in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and fine particulate matter are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROG's are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. The proposed project includes 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility. During the project's approximately 25-month construction period, construction activities would have the potential to result in emissions of ozone precursors and fine particulate matter, as discussed below.

### **Fugitive Dust**

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the California air board, reducing PM<sub>2.5</sub> concentrations to state and federal standards of 12 µg/m<sup>3</sup> in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.<sup>60</sup>

In response, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance No. 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and avoid orders to stop work by the San Francisco Department of Building Inspection (DBI).

The Construction Dust Control Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from the DBI. The Director of the DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

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<sup>60</sup> ARB, *Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California*, Staff Report, Table 4c, October 24, 2008.

For projects over one half-acre, such as the proposed project, the Dust Control Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Department of Public Health (DPH). The DBI will not issue a building permit without written notification from the Director of the DPH that the applicant has a site-specific Dust Control Plan, unless the director waives the requirement. Interior-only tenant improvement projects that are over one-half acre in size that will not produce exterior visible dust are exempt from the site-specific Dust Control Plan requirement.

The site-specific Dust Control Plan would require the project sponsor to: submit of a map to the Director of the DPH showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15-mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep off adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with these dust control requirements. San Francisco Ordinance No. 175-91 restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission (SFPUC). Non-potable water must be used for soil compaction and dust control activities during project construction and demolition. The SFPUC operates a recycled water truck-fill station at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge.

Compliance with the regulations and procedures set forth by the Dust Control Ordinance would ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level.

### **Criteria Air Pollutants**

As discussed above, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. To assist lead agencies in determining whether short-term construction-related air pollutant emissions require further analysis as to whether the project may exceed the criteria air pollutant significance thresholds shown in Table 11, above, the air district, in its *CEQA Air Quality Guidelines* (May 2017), developed screening criteria. If a proposed project meets the screening criteria, then construction of the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The *CEQA Air Quality Guidelines*

note that the screening levels are generally representative of new development on greenfield<sup>61</sup> sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

The proposed project includes 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility. The size of proposed construction activities would be below the criteria air pollutant screening criteria for the “condo/townhouse, high-rise” land use type (252 dwelling units) and the “day care center” land use type (277,000 sf) identified in the BAAQMD’s *CEQA Air Quality Guidelines*. The amount of proposed excavation, about 13,500 cubic yards of soil, exceeds the criteria air pollutant screening criterion of 10,000 cubic yards by about 3,500 cubic yards. Quantification of criteria air pollutant emissions for much larger development projects involving more than 100,000 cubic yards of excavation has demonstrated that emissions would be well below the maximum allowable daily construction emissions for criteria air pollutants. Since the amount of excavation for the proposed project would be well below 100,000 cubic yards, quantification of construction-related criteria air pollutant emissions for the proposed project is not required. The proposed project’s construction activities would result in a less-than-significant impact related to criteria air pollutants.

**Impact AQ-2: The proposed project’s construction activities would generate toxic air contaminants, including diesel particulate matter, but would not expose sensitive receptors to substantial pollutant concentrations. (*Less than Significant*)**

As discussed above, the project site is not within an Air Pollutant Exposure Zone. Regarding construction emissions, off-road equipment, which includes construction-related equipment, is a large contributor to DPM emissions in California, although since 2007, the ARB has found the emissions to be substantially lower than previously expected.<sup>62</sup> Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.<sup>63</sup> This reduction in emissions is due, in part, to effects of the economic recession and refined emissions estimation methodologies. For example, revised fine particulate matter emission estimates for the year 2010, which DPM is a major component of total fine particulate matter, have decreased by 83 percent from previous 2010 emission estimates for the air basin.<sup>64</sup> Approximately half of the reduction can be attributed to the economic recession,

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<sup>61</sup> A greenfield site refers to agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

<sup>62</sup> ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, p. 1 and p. 13 (Figure 4), October 2010.

<sup>63</sup> ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

<sup>64</sup> ARB, “In-Use Off-Road Equipment, 2011 Inventory Model,” Query accessed online, April 2, 2012, [http://www.arb.ca.gov/msei/categories.htm#inuse\\_or\\_category](http://www.arb.ca.gov/msei/categories.htm#inuse_or_category).

and approximately half can be attributed to updated assumptions independent of the economic recession (e.g., updated methodologies used to better assess construction emissions).<sup>65</sup>

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the EPA and the California air board have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000, and Tier 4 Interim and Final emission standards for all new engines were phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies. Although the full benefits of these regulations will not be realized for several years, the EPA estimates that by implementing the federal Tier 4 standards, NO<sub>x</sub> and PM emissions will be reduced by more than 90 percent.<sup>66</sup>

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. As explained in the air district's *CEQA Air Quality Guidelines*:

“Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (ARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk.”<sup>67</sup>

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within the Air Pollutant Exposure Zone, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution.

Although on-road heavy-duty diesel vehicles and off-road equipment would be used during the 25-month construction duration, emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be required to comply with California regulations limiting idling to

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<sup>65</sup> ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

<sup>66</sup> United State Environmental Protection Agency, “Clean Air Nonroad Diesel Rule: Fact Sheet,” May 2004.

<sup>67</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2017, page 8-7.



no more than five minutes,<sup>68</sup> which would further reduce nearby sensitive receptor exposure to temporary and variable DPM emissions. Therefore, because the project site is not within the Air Pollutant Exposure Zone and construction activities would be temporary and variable over the 25-month construction period, TAC emissions would result in a less-than-significant impact on sensitive receptors.

### Operational Air Quality Impacts

Land use projects typically result in emissions of criteria air pollutants and TACs primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and TACs from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The following addresses air quality impacts resulting from operation of the proposed project.

**Impact AQ-3: During project operations, the proposed project would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (*Less than Significant*)**

As discussed above under Impact AQ-1, the air district, in its *CEQA Air Quality Guidelines* (May 2017), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency or applicant does not need to perform a detailed air quality assessment.

The proposed project, which includes 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility, is expected to generate 645 daily vehicle trips to and from the project site. The proposed project would be below the criteria air pollutant screening criteria for the “condo/townhouse, high-rise” land use type (511 dwelling units) and the “day care center” land use type (53,000 sf) identified in the air district’s *CEQA Air Quality Guidelines*. Thus, quantification of project-generated criteria air pollutant emissions is not required. The proposed project would not exceed any of the significance thresholds for criteria air pollutants and would result in a less-than-significant impact related to criteria air pollutants.

**Impact AQ-4: During project operations, the proposed project would generate toxic air contaminants, including diesel particulate matter, but would not expose sensitive receptors to substantial air pollutant concentrations. (*Less than Significant*)**

As discussed above, the project site is not within an Air Pollutant Exposure Zone. However, the proposed project would generate TACs, as discussed below.

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<sup>68</sup> California Code of Regulations, Title 13, Division 3, Section 2485 (on-road) and Section 2449(d)(2) (off-road).

## Sources of Toxic Air Contaminants

**Vehicle Trips.** Individual projects result in emissions of TACs primarily as a result of an increase in vehicle trips. The air district considers roads with fewer than 10,000 vehicles per day “minor, low-impact” sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project’s 645 daily vehicle trips would be well below this level and would be distributed among the local roadway network. Therefore, an assessment of project-generated TACs resulting from vehicle trips is not required, and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors. This impact would be less than significant.

### **Impact AQ-5: The proposed project would not conflict with, or obstruct implementation of, the 2017 Clean Air Plan. (Less than Significant)**

The most recently adopted air quality plan for the air basin is the *2017 Clean Air Plan*. The *2017 Clean Air Plan* is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the *2017 Clean Air Plan*, this analysis considers whether the project would: (1) support the primary goals of the *2017 Clean Air Plan*, (2) include applicable control measures from the *2017 Clean Air Plan*, and (3) avoid disrupting or hindering implementation of control measures identified in the *2017 Clean Air Plan*.

The primary goals of the *2017 Clean Air Plan* are to: (1) protect air quality and health at the regional and local scale; (2) eliminate disparities among Bay Area communities in cancer health risk from TACs; and (3) protect the climate by reducing greenhouse gas emissions. To meet the primary goals, the *2017 Clean Air Plan* recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The *2017 Clean Air Plan* recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand and people have a range of viable transportation options. To this end, the *2017 Clean Air Plan* includes 85 control measures aimed at reducing air pollution in the air basin.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project’s impact related to greenhouse gases are discussed in Section E.8, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the San Francisco’s Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the proposed project

would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 645 vehicle trips would result in a negligible increase in air pollutant emissions. Furthermore, the proposed project would be generally consistent with the *San Francisco General Plan*, as discussed in Section C, Compatibility with Existing Zoning and Plans. Transportation control measures that are identified in the *2017 Clean Air Plan* are implemented by the *San Francisco General Plan* and the Planning Code, for example, through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees. Compliance with these requirements would ensure that the proposed project includes relevant transportation control measures specified in the *2017 Clean Air Plan*. Therefore, the proposed project would include applicable control measures identified in the *2017 Clean Air Plan* to meet the *2017 Clean Air Plan's* primary goals.

Examples of a project that could cause the disruption or delay of *2017 Clean Air Plan* control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would add 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility to a dense, walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or a bike path or any other transit improvement, and thus would not disrupt or hinder implementation of control measures identified in the *2017 Clean Air Plan*.

For the reasons described above, the proposed project would not interfere with implementation of the *2017 Clean Air Plan*. Because the proposed project would be consistent with the applicable air quality plan that demonstrates how the region will improve ambient air quality and achieve the state and federal ambient air quality standards, this impact would be less than significant.

**Impact AQ-6: The proposed project would not create objectionable odors that would affect a substantial number of people. (*Less than Significant*)**

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Observation indicates that the project site is not substantially affected by sources of odors.<sup>69</sup> In addition, the proposed project includes 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility and would not create significant sources of new odors. Therefore, impacts related to odors would be less than significant.

**Impact C-AQ-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area, would result in less-than-significant cumulative air quality impacts. (*Less than Significant*)**

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<sup>69</sup> Field observation, October 20, 2017.

As discussed above, regional air pollution is by its very nature largely a cumulative impact. Emissions from past, present and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts.<sup>70</sup> The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

Although the project would add new sources of TACs (e.g., new vehicle trips), the project site is not located within an Air Pollutant Exposure Zone. The project's incremental increase in localized TAC emissions resulting from new vehicle trips would be minor and would not contribute substantially to cumulative TAC emissions that could affect nearby sensitive land uses. Therefore, cumulative air quality impacts would be considered less than significant.

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>8. GREENHOUSE GAS EMISSIONS. Would the project:</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GHG emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will continue to contribute to global climate change and its associated environmental impacts.

The Bay Area Air Quality Management District (air district) has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5, which address the analysis and determination of significant impacts

<sup>70</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2017, page 2-1.

from a proposed project's GHG emissions. CEQA Guidelines Section 15064.4 allows lead agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs and describes the required contents of such a plan. Accordingly, San Francisco has prepared *Strategies to Address Greenhouse Gas Emissions*<sup>71</sup> which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's qualified GHG reduction strategy in compliance with the CEQA Guidelines. These GHG reduction actions have resulted in a 28 percent reduction in GHG emissions in 2015 compared to 1990 levels,<sup>72</sup> exceeding the year 2020 reduction goals outlined in the air district's *2017 Clean Air Plan*, Executive Order S-3-05, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>73</sup>

Given that the City has met the state and region's 2020 GHG reduction targets and San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05<sup>74</sup> and B-30-15,<sup>75, 76</sup> and Senate Bill 32,<sup>77, 78</sup> the

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<sup>71</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2017. This document is available online at: <http://sf-planning.org/strategies-address-greenhouse-gas-emissions>.

<sup>72</sup> San Francisco Department of the Environment, *San Francisco's Carbon Footprint*. Available at <https://sfenvironment.org/carbon-footprint>, accessed July 19, 2017.

<sup>73</sup> Executive Order S-3-05, Assembly Bill 32, and the air district's 2017 Clean Air Plan (continuing the trajectory set in the 2010 Clean Air Plan) set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>74</sup> Office of the Governor, Executive Order S-3-05, June 1, 2005. Available at <http://www.pcl.org/projects/2008symposium/proceedings/Coatsworth12.pdf>, accessed March 16, 2016. Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>E)); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E). Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

<sup>75</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15, issued on April 29, 2015, sets forth a target of reducing GHG emissions to 40 percent below 1990 levels by 2030 (estimated at 2.9 million MTCO<sub>2</sub>E).

<sup>76</sup> San Francisco's GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

<sup>77</sup> Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding Section 38566, which directs that statewide greenhouse gas emissions to be reduced by 40 percent below 1990 levels by 2030.

<sup>78</sup> Senate Bill 32 was paired with Assembly Bill 197, which would modify the structure of the State Air Resources Board; institute requirements for the disclosure of greenhouse gas emissions criteria pollutants, and toxic air contaminants; and establish requirements for the review and adoption of rules, regulations, and measures for the reduction of greenhouse gas emissions.

City's GHG reduction goals are consistent with Executive Orders S-3-05 and B-30-15, Assembly Bill 32, Senate Bill 32, and the 2017 *Clean Air Plan*. Therefore, proposed projects that are consistent with the City's GHG reduction strategy would be consistent with the aforementioned GHG reduction goals, would not conflict with these plans or result in significant GHG emissions, and would therefore not exceed San Francisco's applicable GHG threshold of significance.

The following analysis of the proposed project's impact on climate change focuses on the project's contribution to cumulatively significant GHG emissions. Because no individual project could emit GHGs at a level that could result in a significant impact on the global climate, this analysis is in a cumulative context, and this section does not include an individual project-specific impact statement.

**Impact C-GG-1: The proposed project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions. (*Less than Significant*)**

Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers; energy required to pump, treat, and convey water; and emissions associated with waste removal, disposal, and landfill operations.

The proposed project would increase the intensity of use of the site by introducing a new building containing 193 dwelling units, a ~~5,952~~ 5,942-sf childcare facility, and a garage with 121 parking spaces on a project site that is currently occupied by two preschools and a surface parking lot for nine vehicles. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and childcare operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's bicycle parking requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable

regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's bicycle parking requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, the Residential Water Conservation Ordinance, and the Water Efficient Irrigation Ordinance, all of which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>79</sup>

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Compositing Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>80</sup> and reducing the energy required to produce new materials.

Compliance with the City's street tree planting requirements would serve to increase carbon sequestration. Regulations requiring low-emitting finishes would reduce volatile organic compounds.<sup>81</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>82</sup>

The project sponsor is required to comply with these regulations, which have proven effective as San Francisco's GHG emissions have measurably decreased when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the 2017 *Clean Air Plan* GHG reduction goals for the year 2020. Furthermore, the City has met its 2017 GHG reduction goal of reducing GHG emissions to 25 percent below 1990 levels by 2017. Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project's contribution to climate change. In addition, San Francisco's local GHG reduction targets are consistent with the long-term GHG reduction

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<sup>79</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>80</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>81</sup> While not a GHG, volatile organic compounds are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing volatile organic compound emissions would reduce the anticipated local effects of global warming.

<sup>82</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 65 Ocean Avenue*, September 18, 2019

goals of Executive Orders S-3-05 and B-30-15, Assembly Bill 32, Senate Bill 32, and the 2017 *Clean Air Plan*. Therefore, because the proposed project is consistent with the City's GHG reduction strategy, it is also consistent with the GHG reduction goals of executive Orders S-3-05 and B-30-15, Assembly Bill 32, Senate Bill 32, and the 2017 *Clean Air Plan*, would not conflict with these plans, and would therefore not exceed San Francisco's applicable GHG threshold of significance. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>9. WIND. Would the project:</b>					
a) Create wind hazards in publicly accessible areas of substantial pedestrian use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact WI-1: The proposed project would not create wind hazards in publicly accessible areas of substantial pedestrian use. (*Less than Significant*)**

A proposed project's wind impacts are directly related to its height, orientation, design, location, and surrounding development context. Based on wind analyses for other development projects in San Francisco, a building that does not exceed a height of 85 feet generally has little potential to cause substantial changes to ground-level wind conditions. The proposed project would vary in height from four stories on Cayuga Avenue to five stories along Ocean Avenue to six stories on Alemany Boulevard.

The proposed project would not be substantially taller than existing buildings in the project vicinity and would have little potential to intercept overhead winds and redirect them down to the sidewalks surrounding the project site. Given its height and surrounding development context, the proposed project would not cause substantial changes to ground-level wind conditions adjacent to and near the project site. For these reasons, the proposed project would not create wind hazards in publicly accessible areas of substantial pedestrian use. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-WI-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative wind impact. (*Less than Significant*)**

As discussed above, buildings shorter than 85 feet have little potential to cause substantial changes to ground-level wind conditions. None of the nearby cumulative development projects involves construction of buildings or structures that would be tall enough to combine with the proposed project to create wind hazards in publicly accessible areas of substantial pedestrian use. For this reason, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative wind impact.



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<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>10. SHADOW. Would the project:</b>					
a) Create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact SH-1: The proposed project would not create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces. (*Less than Significant*)**

In 1984, San Francisco voters approved an initiative known as “Proposition K, The Sunlight Ordinance,” which was codified as Planning Code Section 295 in 1985. 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. Public open spaces that are not under the jurisdiction of the Recreation and Park Commission as well as private open spaces are not subject to Planning Code section 295.

Implementation of the proposed project would result in the construction of a building exceeding 40 feet in height. The Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast shadow on nearby parks or open spaces. The shadow fan analysis prepared by the Planning Department determined that the proposed project would not cast shadow on any nearby parks or open spaces.<sup>83</sup>

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

For these reasons, the proposed project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-SH-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative shadow impact. (*Less than Significant*)**

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<sup>83</sup> San Francisco Planning Department, *65 Ocean Avenue Shadow Fan*, April 12, 2019.

As discussed above, the proposed project would not shade any nearby parks or open spaces. Therefore, the proposed project would not contribute to any potential cumulative shadow impact on parks and open spaces.

The sidewalks in the project vicinity are already shadowed for much of the day by multi-story buildings. Although implementation of the proposed project and nearby cumulative development projects would add new shadow to the sidewalks in the project vicinity, these shadows would be transitory in nature, would not substantially affect the use of the sidewalks, and would not increase shadows above levels that are common and generally expected in a densely developed urban environment.

For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative shadow impact.

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>11. RECREATION. Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact RE-1: The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. (*Less than Significant*)**

The neighborhood parks or other recreational facilities closest to the project site are Balboa Park (approximately 0.25 mile west of the project site), Excelsior Playground (0.3 mile southeast), the Geneva Avenue Strip (0.4 mile southwest), and Crocker-Amazon Playground and John McLaren Park (both 0.75 mile southeast).

The proposed project would increase the population of the project site by about 438 residents and 17 employees. This total represents an increase of about 6.43 percent over the 2010 population within Census Tract 261 and about 1.72 percent over the 2010 population within the project vicinity (census tracts within a quarter-mile of the project site). This residential population growth would increase the demand for recreational facilities. The proposed project would partially offset the demand for recreational facilities by providing on-site open space for the project residents in the form of interior courtyards on the ground floor and roof decks at the fourth and fifth floors. Although the project residents may use parks, open spaces, and other recreational facilities in the project vicinity, the additional use of these recreational facilities is

expected to be modest in light of the small population increase that would result from the proposed project.

On a citywide/regional basis, the increased demand on recreational facilities from 438 new residents would be negligible considering the number of people living and working in San Francisco and the region as well as the number of existing and planned recreational facilities. For these reasons, implementation of the proposed project would not increase the use of existing recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. This impact would be less than significant, and no mitigation measures are necessary.

**Impact RE-2: The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. (*Less than Significant*)**

The proposed project would provide some on-site open space for the project residents in the form of interior courtyards on the ground floor and roof decks at the fourth and fifth floors. In addition, the project site is within 0.5 mile of three parks, public open spaces, or other public recreational facilities, as discussed above. It is anticipated that these existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by the project residents. For these reasons, the construction of new or the expansion of existing recreational facilities, both of which might have an adverse physical effect on the environment, would not be required. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-RE-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact on recreational facilities or resources. (*Less than Significant*)**

Implementation of the proposed project, in combination with cumulative development in the project vicinity, would result in the construction of 467 net new dwelling units and an incremental increase in population and demand for recreational facilities and resources. The City has accounted for such growth as part of the Recreation and Open Space Element of the general plan.<sup>84</sup> In addition, San Francisco voters passed two bond measures, in 2008 and 2012, to fund the acquisition, planning, and renovation of the City's network of recreational resources. As discussed above, there are three parks, open spaces, or other recreational facilities within 0.5 mile of the project site. It is expected that these existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by nearby cumulative development projects. For these reasons, the proposed project would not combine with past,

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<sup>84</sup> San Francisco Planning Department, *San Francisco General Plan*, Recreation and Open Space Element, April 2014, pp. 20-36. Available online at [http://generalplan.sfplanning.org/Recreation\\_OpenSpace\\_Element\\_ADOPTED.pdf](http://generalplan.sfplanning.org/Recreation_OpenSpace_Element_ADOPTED.pdf), accessed June 26, 2019.

present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on recreational facilities or resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>12. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>					
a) Require or result in the relocation or construction of new or expanded, water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact UT-1: Implementation of the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (*Less than Significant*)**

The project site is entirely paved and is currently developed with three buildings and a surface parking lot. The land uses on the project site are already served by existing utilities. Although the proposed project would need to be connected to these existing utilities, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities. This impact would be less than significant, and no mitigation measures are necessary.

**Impact UT-2: Sufficient water supplies are available to serve the proposed project and reasonably foreseeable future development in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented; in that event the SFPUC may develop new or**

expanded water supply facilities to address shortfalls in single and multiple dry years, but this would occur with or without the proposed project. Impacts related to new or expanded water supply facilities cannot be identified at this time or implemented in the near term; instead, the SFPUC would address supply shortfalls through increased rationing, which could result in significant cumulative effects, but the project would not make a considerable contribution to impacts from increased rationing. (*Less than Significant*)

### Construction Impacts

The proposed project's construction activities are required to comply with Article 21 of the San Francisco Public Works Code (Ordinance No. 175-91), which restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission (SFPUC). Non-potable water must be used for soil compaction and dust control activities during project construction or demolition. Recycled water is available from the SFPUC for dust control on roads and streets. However, per State regulations, recycled water cannot be used for demolition, pressure washing, or dust control through aerial spraying. The SFPUC operates a recycled water truck-fill station at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge. Required compliance with Ordinance No. 175-91 would ensure that the proposed project's construction activities would result in less-than-significant impacts related to water supply.

### Operational Impacts

In 2016, the SFPUC adopted its Urban Water Management Plan, which estimates that current and projected water supplies will meet future retail demand through 2035 under normal-year, single-dry-year and multiple-dry-year conditions.<sup>85, 86</sup> However, if a multiple-dry-year event occurs, the SFPUC will implement water use and supply reductions through its retail water shortage allocation plan.

In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, which establishes water quality objectives to maintain the health of rivers and the Bay-Delta ecosystem (the Bay-Delta Plan Amendment).<sup>87</sup> The state water board has stated that it intends to implement the Bay-Delta Plan Amendment by the year 2022, assuming all required approvals are obtained

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<sup>85</sup> San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, June 2016, <https://sfwater.org/index.aspx?page=75>, accessed August 7, 2019.

<sup>86</sup> "Retail" demand represents water the SFPUC provides to individual customers within San Francisco and several individual customers outside of San Francisco. "Wholesale" demand represents water the SFPUC provides to other water agencies supplying other jurisdictions.

<sup>87</sup> State Water Resources Control Board Resolution No. 2018-0059, *Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document*, December 12, 2018, available at [https://www.waterboards.ca.gov/plans\\_policies/docs/2018wqcp.pdf](https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf).

by that time. Implementation of the Bay-Delta Plan Amendment would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed during dry years, requiring rationing to a greater degree in San Francisco than previously anticipated to address supply shortages not accounted for in the 2015 Urban Water Management Plan.

The SFPUC has prepared a memorandum discussing future water supply scenarios given the adoption of the Bay-Delta Plan Amendment.<sup>88</sup> As discussed in the SFPUC memorandum, implementation of the plan amendment is uncertain for several reasons, and whether, when, and the form in which the Bay-Delta Plan Amendment would be implemented and how those amendments could affect SFPUC's water supply is currently unknown. The SFPUC memorandum estimates total shortfalls in water supply (that is, total retail demand minus total retail supply) to retail customers through 2040 under three increasingly supply-limited scenarios:

1. Without implementation of the Bay-Delta Plan Amendment wherein the water supply and demand assumptions contained in the 2015 Urban Water Management Plan and the 2009 Water Supply Agreement as amended would remain applicable;
2. With implementation of a voluntary agreement between the SFPUC and the State Water Resources Control Board that would include a combination of flow and non-flow measures that are designed to benefit fisheries at a lower water cost, particularly during multiple dry years, than would occur under the Bay-Delta Plan Amendment); and
3. With implementation of the Bay-Delta Plan Amendment as adopted.

As estimated in the SFPUC memorandum, water supply shortfalls during dry years would be lowest without implementation and highest with implementation of the Bay-Delta Plan Amendment. Shortfalls under the proposed voluntary agreement would be between those with and without implementation of the Bay-Delta Plan Amendment.<sup>89</sup>

Under these three scenarios, the SFPUC would have adequate water to meet total retail demands through 2040 in normal years.<sup>90</sup> For single dry and multiple (years 1, 2 and 3) dry years of an extended drought, the SFPUC memorandum estimates that shortfalls of water supply relative to

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<sup>88</sup> Memorandum from Steven R. Ritchie, SFPUC to Lisa Gibson, Environmental Review Officer, San Francisco Planning Department, Environmental Planning Division, May 31, 2019.

<sup>89</sup> On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support its participation in the voluntary agreement negotiation process. To date, those negotiations are ongoing under the California Natural Resources Agency. The SFPUC submitted a proposed project description that could be the basis for a voluntary agreement to the state water board on March 1, 2019. As the proposed voluntary agreement has yet to be accepted by the state water board as an alternative to the Bay-Delta Plan Amendment, the shortages that would occur with its implementation are not known with certainty; however, if accepted, the voluntary agreement would result in dry year shortfalls of a lesser magnitude than under the Bay-Delta Plan Amendment.

<sup>90</sup> Based on historic records of hydrology and reservoir inflow from 1920 to 2017, current delivery and flow obligations, and fully-implemented infrastructure under the 2018 Phased Water System Improvement Program Variant, normal or wet years occurred 85 out of 97 years. This translates into roughly nine normal or wet years out of every 10 years. Conversely, system-wide rationing is required roughly one out of every 10 years. This frequency is expected to increase as climate change intensifies.

demand would occur both with and without implementation of the Bay-Delta Plan Amendment. Without implementation of the plan amendment, shortfalls would range from approximately 3.6 to 6.1 mgd or a 5 to 6.8 percent shortfall during dry years through the year 2040.

With implementation of the Bay-Delta Plan Amendment, shortfalls would range from 12.3 mgd (15.6 percent) in a single dry year to 36.1 mgd (45.7 percent) in years seven and eight of the 8.5-year design drought based on 2025 demand levels and from 21 mgd (23.4 percent) in a single dry year to 44.8 mgd (49.8 percent) in years seven and eight of the 8.5-year design drought based on 2040 demand.

The proposed project does not require a water supply assessment under the California Water Code. Under Sections 10910 through 10915 of the California Water Code, urban water suppliers like the SFPUC must prepare water supply assessments for certain large “water demand” projects, as defined in CEQA Guidelines Section 15155.<sup>91</sup> The proposed mixed-use residential project would result in 193 units and ~~5,952~~ 5,942 gsf of retail/commercial land use; as such it does not qualify as a “water-demand” project as defined by CEQA Guidelines Section 15155(a)(1), and a water supply assessment is not required and has not been prepared for the project.

While a water supply assessment is not required, the following discussion provides an estimate of the project’s maximum water demand in relation to the three supply scenarios. No single development project alone in San Francisco would require the development of new or expanded water supply facilities or require the SFPUC to take other actions, such as imposing a higher level of rationing across the city in the event of a supply shortage in dry years. Therefore, a separate project-only analysis is not provided for this topic. The following analysis instead considers whether the proposed project, in combination with both existing development and projected growth through 2040 would require new or expanded water supply facilities, the construction or relocation of which could have significant cumulative impacts on the environment. It also considers whether a high level of rationing would be required that could have significant cumulative impacts. It is only under this cumulative context that development in San Francisco could have the potential to require new or expanded water supply facilities or require the SFPUC to take other actions, which in turn could result in significant physical environmental impacts

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<sup>91</sup> Pursuant to CEQA Guidelines Section 15155(1), “a water-demand project” means:

- (A) A residential development of more than 500 dwelling units.
- (B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor area.
- (D) A hotel or motel, or both, having more than 500 rooms, (e) an industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- (F) A mixed-use project that includes one or more of the projects specified in subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(G) of this section.
- (G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

related to water supply. If significant cumulative impacts could result, then the analysis considers whether the project would make a considerable contribution to the cumulative impact.

Based on guidance from the California Department of Water Resources and a citywide demand analysis, the SFPUC has established 50,000 gallons per day as an equivalent project demand for projects that do not meet the definitions provided in CEQA Guidelines Section 15155(a)(1).<sup>92</sup> The development proposed by the project would represent 38.6 percent of the 500-unit limit and 1.2 percent of the 500,000 square feet of commercial space provided in Section 15155(1)(A) and (B), respectively. In addition, the proposed project would incorporate water-efficient fixtures as required by Title 24 of the California Code of Regulations and the City's Green Building Ordinance. It is therefore reasonable to assume that the proposed project would result in an average daily demand of less than 50,000 gallons per day of water.

The SFPUC has prepared estimates of total retail demand in five-year intervals from 2020 through 2040.<sup>93</sup> Assuming the project would demand no more than 50,000 gallons of water per day (or 0.05 mgd), Table 12 compares this maximum with the total retail demand from 2020 through 2040. At most, the proposed project's water demand would represent a small fraction of the total projected retail water demand, ranging from 0.07 to 0.06 percent between 2020 and 2040. As such, the project's water demand is not substantial enough to require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.

**Table 12: Proposed Project Demand Relative to Total Retail Demand (mgd)**

	2020	2025	2030	2035	2040
<b>Total Retail Demand</b>	72.1	79	82.3	85.9	89.9
<b>Total Demand of Proposed Project</b>	0.05	0.05	0.05	0.05	0.05
<b>Total Demand of Proposed Project as Percentage of Total Retail Demand</b>	0.07%	0.06%	0.06%	0.06%	0.06%

Sufficient water supplies are available to serve the proposed project and reasonably foreseeable future development in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented. As indicated above, the proposed project's maximum demand would represent less than 0.06 percent of the total retail demand in 2040 when implementation of the Bay-Delta Plan Amendment would result in a retail supply shortfall of up to 49.8 percent in a

<sup>92</sup> Memorandum, from Steven R. Ritchie, Assistant General Manager, Water Enterprise, San Francisco Public Utilities Commission, to Lisa Gibson, Environmental Review Officer, San Francisco Planning Department – Environmental Planning, May 31, 2019.

<sup>93</sup> San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, June 2016, <https://sfwater.org/index.aspx?page=75>, accessed August 7, 2019.



multi-year drought. The SFPUC has indicated that it is accelerating its efforts to develop additional water supplies and explore other projects that would increase overall water supply resilience in the case that the Bay-Delta Plan Amendment is implemented. The SFPUC has identified possible projects that it will study, but it has not determined the feasibility of the possible projects, has not made any decision to pursue any particular supply projects, and has determined that the identified potential projects would take anywhere from 10 to 30 years or more to implement. The potential impacts that could result from the construction and/or operation of any such water supply facility projects cannot be identified at this time. In any event, under such a worst-case scenario, the demand for the SFPUC to develop new or expanded dry-year water supplies would exist regardless of whether the proposed project is constructed.

Given the long lead times associated with developing additional water supplies, in the event the Bay-Delta Plan Amendment were to take effect sometime after 2022 and result in a dry-year shortfall, the expected action of the SFPUC for the next 10 to 30 years (or more) would be limited to requiring increased rationing. As discussed in the SFPUC memorandum, the SFPUC has established a process through its Retail Water Shortage Allocation Plan for actions it would take under circumstances requiring rationing. The level of rationing that would be required of the proposed project is unknown at this time. Both direct and indirect environmental impacts could result from high levels of rationing. However, the small increase in potable water demand attributable to the project compared to citywide demand would not substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Therefore, the proposed project would not make a considerable contribution to a cumulative environmental impact caused by implementation of the Bay-Delta Plan Amendment.

**Impact UT-3: The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (*Less than Significant*)**

Implementation of the proposed project would increase the residential population at the project site by about 438 residents and 12 employees, and the proposed on-site childcare facility would include a maximum of 25 children and five employees, resulting in an increase of wastewater flows of 0.58 cubic feet per second (cfs) from the project site. The proposed project would incorporate water-efficient fixtures, as required by Title 24 of the California Code of Regulations and the San Francisco Green Building Ordinance. Compliance with these regulations would reduce wastewater flows to the Southeast Water Pollution Control Plant. The San Francisco Public Utilities Commission's (SFPUC's) infrastructure capacity plans account for projected population and employment growth. For these reasons, implementation of the proposed project would not exceed the capacity of the Southeast Water Pollution Control Plant to treat wastewater flows from the project site. This impact would be less than significant, and no mitigation measures are necessary.

**Impact UT-4: The proposed project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (*Less than Significant*)**

In September 2015, the City approved an agreement with Recology, Inc., for the transport and disposal of the City's municipal solid waste at the Recology Hay Road Landfill in Solano County. The City began disposing its municipal solid waste at Recology Hay Road Landfill in January 2016, and that practice is anticipated to continue for approximately nine years, with an option to renew the agreement thereafter for an additional six years. San Francisco had a goal of 75 percent solid waste diversion by 2010, which it exceeded at 80 percent diversion, and has a goal of 100 percent solid waste diversion or "zero waste" to landfill or incineration by 2020. The San Francisco Construction and Demolition Debris Recovery Ordinance requires mixed construction and demolition debris to be transported by a registered transporter to a registered facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. The San Francisco Green Building Code also requires certain projects to submit a recovery plan to the San Francisco Department of the Environment demonstrating recovery or diversion of at least 75 percent of all demolition debris. The San Francisco Mandatory Recycling and Composting Ordinance requires all properties and everyone in San Francisco to separate solid waste into recyclables, compostables, and landfill trash. The proposed project would be subject to these ordinances and all other applicable statutes and regulations related to solid waste. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-UT-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact on utilities and service systems. (*Less than Significant*)**

Implementation of the proposed project, in combination with cumulative development in the project vicinity, would result in the construction of 467 dwelling units, approximately 1,625 sf of commercial space, and a 15,400-sf school serving kindergarten through eighth grade. This cumulative development would result in an incremental increase in population, water consumption, and wastewater and solid waste generation. The SFPUC has accounted for such growth in its water demand and wastewater service projections, and the City has implemented various programs to divert 80 percent of its solid waste from landfills. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on utilities and service systems.

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<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>13. PUBLIC SERVICES. Would the project:</b>					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services such as fire protection, police protection, schools, parks, or other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project's impacts on parks are discussed under Section E.9, Recreation. Impacts on other public services are discussed below.

**Impact PS-1: The proposed project would increase demand for fire protection and police protection, but not to the extent that would require new or physically altered fire or police facilities, the construction of which could result in significant environmental impacts. (*Less than Significant*)**

The project site receives fire protection and emergency medical services from the San Francisco Fire Department's Battalion 9, which includes Fire Station No. 15 at 1000 Ocean Avenue, approximately 0.8 mile west of the project site.<sup>94</sup> The project site receives police protection services from the San Francisco Police Department's Ingleside Station at 1 Sergeant John V. Young Lane, approximately 0.45 mile west of the project site.<sup>95</sup> Implementation of the proposed project would add about 438 residents and 17 employees on the project site, which would increase the demand for fire protection, emergency medical, and police protection services. This increase in demand would be marginal given the overall demand for such services on a citywide basis. Fire protection, emergency medical, and police protection resources are regularly redeployed based on need in order to maintain acceptable service ratios. Moreover, the proximity of the project site to Fire Station No. 15 and Ingleside Station would help minimize Fire Department and Police Department response times should incidents occur at the project site. For these reasons, implementation of the proposed project would not require the construction of new or alteration of existing fire and police facilities. This impact would be less than significant, and no mitigation measures are necessary.

**Impact PS-2: The proposed project could increase the population of school-aged children and the demand for school services, but not to the extent that would require new or physically**

<sup>94</sup> San Francisco Fire Department website, <http://sf-fire.org/fire-station-locations>, accessed June 28, 2019.

<sup>95</sup> San Francisco Police Department website, <http://sanfranciscopolice.org/police-district-maps>, accessed June 28, 2019.

**altered school facilities, the construction of which could result in significant environmental impacts. (*Less than Significant*)**

Implementation of the proposed project would result in the demolition of the existing preschool buildings and surface parking lot and the construction of a six-story building containing 193 dwelling units and a ~~5,952~~ 5,942-gsf childcare facility, resulting in an anticipated population increase of about 438 residents and 17 employees. Some of the new residents of the 193 households could consist of families with school-aged children who might attend schools operated by the San Francisco Unified School District, while other children might attend private schools. It is anticipated that existing public schools would be able to accommodate this minor increase in demand. Furthermore, the proposed project would be required to pay a school impact fee based on the construction of net new residential square footage to fund district facilities and operations. Additionally, the proposed project would construct an on-site childcare that would accommodate 25 children.

For these reasons, implementation of the proposed project would not result in a substantial unmet demand for school facilities and would not require the construction of new or alteration of existing school facilities. This impact would be less than significant, and no mitigation measures are necessary.

**Impact PS-3: The proposed project would increase demand for other public services, but not to the extent that would require new or physically altered governmental facilities, the construction of which could result in significant environmental impacts. (*Less than Significant*)**

Implementation of the proposed project would add about 438 residents and 17 employees on the project site, which would increase the demand for other public services such as libraries. This increase in demand would not be substantial given the overall demand for library services on a citywide basis. The San Francisco Public Library operates the main library and 27 branches throughout San Francisco.<sup>96</sup> It is anticipated that the Excelsior Branch (0.35 mile northeast of the project site) and the Ingleside Branch (one mile west) would be able to accommodate the minor increase in demand for library services generated by the proposed project. For these reasons, implementation of the proposed project would not require the construction of new or alteration of existing governmental facilities. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-PS-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact on public services. (*Less than Significant*)**

The geographic contexts for cumulative fire, police, and library impacts are the police, fire, and library service areas, while the geographic context for cumulative school impacts is the school

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<sup>96</sup> San Francisco Public Library website, <http://sfpl.org/pdf/libraries/sfpl421.pdf>, accessed June 28, 2019.

district service area. Implementation of the proposed project, in combination with cumulative development in the project vicinity, would result in the construction of 467 dwelling units, approximately 1,625 sf of commercial space, and a 15,400-sf school serving kindergarten through eighth grade, resulting in an incremental increase in population and demand for fire protection, police protection, school services, and other public services. The Fire Department, the Police Department, the school district, and other City agencies have accounted for such growth in providing public services to the residents of San Francisco. In addition, fire protection, emergency medical, and police protection resources are regularly redeployed based on need in order to maintain acceptable service ratios. Nearby cumulative development projects would be subject to many of the same development impact fees applicable to the proposed project. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on public services.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>14. BIOLOGICAL RESOURCES: Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is completely paved and is currently developed with three buildings and a surface parking lot, so it does not contain any riparian habitat, other sensitive natural community, or federally protected wetlands. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, state, or regional habitat conservation plans that apply to the project site. Therefore, Topics 14b, 14c, and 14f are not applicable to the proposed project.

**Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (No Impact)**

The project site and project vicinity are in an urban environment with high levels of human activity. The project site is completely paved and is currently developed with three buildings and a surface parking lot. Any candidate, sensitive, or special-status specie have been previously extirpated (lost) from the area. For these reasons, implementation of the proposed project would have no impact on candidate, sensitive, or special-status species.

**Impact BI-2: The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant)**

San Francisco is within the Pacific Flyway, a major north-south route of travel for migratory birds along the western portion of the Americas. The project site is fully developed and is not considered an urban bird refuge.<sup>97, 98</sup>

Multi-story buildings are potential obstacles that can injure or kill birds in the event of a collision, and bird strikes are a leading cause of worldwide declines in bird populations. Planning Code Section 139, Standards for Bird-Safe Buildings, establishes building design standards to reduce avian mortality rates associated with bird strikes. This ordinance focuses on location-specific

<sup>97</sup> An urban bird refuge is defined by San Francisco Planning Code Section 139(c)(1) as an open spaces two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water.

<sup>98</sup> San Francisco Planning Department, *Urban Bird Refuge Map*. Available at <https://sfplanning.org/resource/urban-bird-refuge>, accessed July 3, 2019.

hazards and building feature-related hazards. Location-specific hazards apply to buildings in, or within 300 feet of and having a direct line of sight to, an urban bird refuge. The project site is not in or within 300 feet of an urban bird refuge, so the standards related to location-specific hazards are not applicable to the proposed project.<sup>99</sup> Feature-related hazards, which can occur on buildings anywhere in San Francisco, are defined as freestanding glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments of 24 square feet or larger. The proposed project would comply with the feature-related standards of Planning Code Section 139 by using bird-safe glazing treatment on 100 percent of any feature-related hazards.

The project site includes about 15 existing trees that could provide habitat for migratory birds passing through San Francisco. Implementation of the proposed project would require all of the existing trees to be removed. The proposed project would be required to comply with the federal Migratory Bird Treaty Act and the California Fish and Game Code, the latter of which provides that it is unlawful to take or possess any migratory nongame bird or needlessly destroy nests of birds except as otherwise outlined in the code. The California Department of Fish and Wildlife (CDFW) enforces the code by requiring projects to incorporate measures to avoid and minimize impacts to nesting birds if any tree removal would occur during the nesting or breeding season. For example, a qualified biologist would conduct a tree survey within 15 days before the start of construction occurring from March through May or 30 days before the start of construction occurring from June through August. These surveys would help establish the presence of any nesting birds that would need to be protected through avoidance and minimization measures. Additionally, the CDFW may require notification if any active nests are identified, including consultation with the CDFW and establishment of construction-free buffer zones. Compliance with existing federal and state regulations would ensure that project impacts related to nesting birds would be less-than-significant.

The project site is completely paved and is currently developed with three buildings and a surface parking lot. With the exception of migratory birds that may nest in the existing trees on the project site, as discussed above, there are no resident or migratory fish or wildlife species, no established native resident or migratory wildlife corridors, and no native wildlife nursery sites on the subject property.

For these reasons, implementation of the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. This impact would be less than significant, and no mitigation measures are necessary.

**Impact BI-3: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (*Less than Significant*)**

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<sup>99</sup> *Ibid.*

The project site contains about 15 existing trees and other vegetation that would need to be removed as part of the proposed project. The removal of street trees or significant trees, as well as the planting of new street trees, is subject to the provisions of the San Francisco Urban Forestry Ordinance, which is codified as Article 16 of the San Francisco Public Works Code.<sup>100</sup> Implementation of the proposed project would include the planting of 22 street trees along Cayuga Avenue, Ocean Avenue, and Alemany Boulevard, subject to approval by San Francisco Public Works. The proposed project would not conflict with any local policies or ordinances that protect biological resources. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-BI-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to biological resources. (*Less than Significant*)**

Cumulative development in the project vicinity would result in the construction of multi-story buildings that can injure or kill birds in the event of a collision and would result in the removal of existing street trees or other vegetation. Nearby cumulative development projects would be subject to the same bird-safe building and urban forestry ordinances applicable to the proposed project. Moreover, there are no candidate, sensitive, or special-status species or any riparian habitat or other sensitive natural community in the project vicinity. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on biological resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>15. GEOLOGY AND SOILS. Would the project:</b>					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>100</sup> Street trees and significant trees are defined in Article 16, Sections 802 and 810A, respectively, of the San Francisco Public Works Code.



<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A geotechnical investigation was conducted to assess the geologic conditions underlying the project site and provide recommendations related to the proposed project's design and construction. The findings and recommendations are presented in a geotechnical report and are summarized below.<sup>101, 102</sup>

The geotechnical investigation included the drilling of five test borings on the project site to depths ranging from approximately 25 feet to 31.5 feet below ground surface (bgs). The project site is generally underlain by alluvium consisting of clay and sand to the maximum depths explored with two exceptions. The western end of the project site is underlain by bedrock below a depth of 21 feet bgs, and there is an eight-foot-deep layer of fill (sand, clay, gravel, and charcoal) at the surface of the southern central portion of the project site.

Groundwater was encountered in all five borings and ranged in depth from six feet to 17 feet bgs. Depending on the amount of rainfall, groundwater levels at the project site are expected to fluctuate seasonally and annually. According to the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map, there is a historical (buried) seasonal stream that flows in a north-south direction across the project site.<sup>103</sup> Depending on the amount of rainfall, this

<sup>101</sup> Rockridge Geotechnical, *Geotechnical Investigation, Proposed Mixed-Use Development*, 65 Ocean Avenue, San Francisco, California (hereinafter "Geotechnical Report"), August 12, 2013.

<sup>102</sup> Rollo & Ridley, *Supplemental Geotechnical Report*, 65 Ocean Avenue, San Francisco, California (hereinafter "Supplemental Geotechnical Report"), May 13, 2019.

<sup>103</sup> San Francisco Public Utilities Commission. Available online at: <https://sfplanninggis.org/floodmap/>

seasonal stream may cause groundwater levels to rise to the elevation of Cayuga Avenue or higher and potentially flood the project site during a major storm.

**Impact GE-1: The proposed project would not directly or indirectly cause potential adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, or landslides. (*Less Than Significant*)**

The project site is not within an Alquist-Priolo Earthquake Fault Zone, and there are no known active faults that run underneath the project site or in the project vicinity. The closest active fault to the project site is the San Andreas Fault, which is about 3.75 miles to the west.

The proposed project is required to comply with the seismic safety standards set forth in the California Building Code and the San Francisco Building Code. The Department of Building Inspection (DBI) is the City agency responsible for reviewing the proposed project's building permit application, structural drawings and calculations, and geotechnical report and ensuring that the proposed project complies with the seismic safety standards and other applicable requirements. Project compliance with the Building Code would ensure that the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure would be low.

The project site is not in a landslide hazard zone, so the potential for risk of loss, injury, or death related to landslides would be low.<sup>104</sup> The project site is not in a liquefaction hazard zone.<sup>105</sup> However, the geotechnical investigation detected the presence of loose to medium dense sand layers below the groundwater level that are susceptible to liquefaction. Further analysis as part of the geotechnical investigation concluded that since the potentially liquefiable layers are relatively thin and/or relatively shallow, the potential for surface manifestations of liquefaction, such as sand boils,<sup>106</sup> is low. In addition, the potentially liquefiable layers are not continuous, so the potential for lateral spreading to occur is also low.

For these reasons, the proposed project would not cause potential substantial adverse effects, including risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, or landslides. This impact would be less than significant, and no mitigation measures are necessary.

**Impact GE-2: The proposed project would not result in substantial soil erosion or the loss of topsoil. (*Less than Significant*)**

The project site is entirely paved and is currently developed with three buildings and a surface parking lot. For these reasons, construction of the proposed project would not result in the loss

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<sup>104</sup> San Francisco Planning Department, GIS database geology layer, accessed July 1, 2019.

<sup>105</sup> *Ibid.*

<sup>106</sup> A sand boil or a sand volcano is a cone of sand that is formed when water under pressure wells up through a bed of sand. The water and sand are ejected through an opening in the ground.

of topsoil. Site preparation and excavation activities would disturb soil to a depth of up to 21 feet bgs, creating the potential for windborne and waterborne soil erosion. Sloping terrain is more susceptible to soil erosion than flat terrain. The project site slopes downward from east to west. The elevation at the project site's eastern property line is approximately 20 feet higher than the elevation at the western property line. Construction of the proposed project would require excavation to a depth of up to 21 feet bgs and the removal of about 13,500 cubic yards of soil from the project site. Pursuant to Section 146 et seq. of the San Francisco Public Works Code, any construction project that disturbs more than 5,000 sf of ground surface requires the development and implementation of an erosion and sediment control plan. The proposed project is subject to this requirement, and compliance with this requirement would ensure that the proposed project would not result in substantial soil erosion. This impact would be less than significant, and no mitigation measures are necessary.

**Impact GE-3: The proposed project would not be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (*Less than Significant*)**

As discussed under Impact GE-1, the potential for landslide, liquefaction, or lateral spreading at the project site is low. In addition, the proposed project is required to comply with the provisions of the California Building Code and the San Francisco Building Code that address issues related to seismic safety and unstable soil. The geotechnical report includes recommendations related to the following aspects of construction: site preparation and fill placement; utility trenches; building foundation; floor slab; basement walls; temporary cuts and shoring; cantilever soldier pile and lagging shoring system; soldier pile and lagging shoring system with tiebacks; tieback testing; construction monitoring; and seismic design. Implementation of these recommendations would ensure that the proposed project would not cause the soil underlying the project site to become unstable and result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. This impact would be less than significant, and no mitigation measures are necessary.

**Impact GE-4: The proposed project would not create substantial risks to life or property as a result of being located on expansive soil. (*Less than Significant*)**

Expansive soils expand and contract in response to changes in soil moisture, most notably when nearby surface soils change from saturated to a low-moisture-content condition and back again. The expansion potential of the soil underlying the project site, as measured by its plasticity index, has not yet been determined. As part of the design-level geotechnical report prepared for the proposed project, the San Francisco Building Code requires an analysis of the project site's potential for impacts related to soil expansion and, if applicable, the implementation of measures to address any impacts. For this reason, the proposed project would not create substantial risks to life or property as a result of being located on expansive soil. This impact would be less than significant, and no mitigation measures are necessary.

**Impact GE-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (*Not Applicable*)**

The proposed project would not include the use septic tanks or alternative wastewater disposal systems; it would be connected to the existing wastewater disposal system. For these reasons, Topic 15e is not applicable to the proposed project.

**Impact GE-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*Less than Significant*)**

Paleontological resources, or fossils, are the remains, imprints, or traces of mammals, plants, and invertebrates from a previous geological period. Such fossil remains as well as the geological formations that contain them are also considered a paleontological resource. Together, they represent a limited, non-renewable scientific and educational resource. The potential to affect fossils varies with the depth of disturbance, construction activities, and previous disturbance.

The project site is underlain by Early Pleistocene alluvium, and there is a historical seasonal stream that flows in a north-south direction across the project site. The proposed project excavation would occur in fill materials and alluvial sediments. Sandstone bedrock of the Franciscan Complex underlies the western end of the project site below a depth of 21 feet bgs and has the potential to contain previously undiscovered fossil specimens. However, the Franciscan Complex is heavily deformed and metamorphosed in many locations, and fossils contained in these strata are often destroyed. Fossils from the Franciscan Complex are generally rare. Based on the underlying site conditions and the depth of excavation (up to 21 feet bgs), construction of the proposed project would not affect a unique paleontological resource or site. This impact would be less than significant, and no mitigation measures are necessary.

A unique geologic or physical feature embodies distinctive characteristics of any regional or local geologic principles, provides a key piece of information important to geologic history, contains minerals not known to occur elsewhere in the county, and/or is used as a teaching tool. The project site is entirely paved and is currently developed with three buildings and a surface parking lot. No unique geologic features exist at the project site. Therefore, the proposed project would have no impact on unique geologic features.

**Impact C-GE-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to geology and soils. (*Less than Significant*)**

Environmental impacts related to geology and soils are generally site-specific. Nearby cumulative development projects would be subject to the same seismic safety standards and design review procedures applicable to the proposed project. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to geology and soils.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>16. HYDROLOGY AND WATER QUALITY. Would the project:</b>					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact HY-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (*Less than Significant*)**

Project-related wastewater and stormwater would flow into the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water Quality Control Board.

The proposed project's discharges from residential operations and stormwater would not exceed water quality standards. The project would be required to comply with Article 4.2 of the San Francisco Public Works Code, Section 147 (Stormwater Management). The intent of the

City's stormwater management program is to reduce the volume of stormwater entering the City's combined and separate sewer systems and to protect and enhance the water quality of receiving waters, pursuant to, and consistent with federal and state laws, lawful standards and orders applicable to stormwater and urban runoff control, and the City's authority to manage and operate its drainage systems. The existing site stormwater flow is 1.71 cfs, and the proposed condition would reduce the flow to 0.98 cfs through the use of traditional planters and flow through planters. The proposed project would have an expected sewer demand of 0.58 cfs. The net flow increase to the combined sewer system would be -0.15 cfs. As discussed under Impact UT-1 in Section E.12, Utilities and Service Systems, the proposed project would be required to reduce the project site's existing runoff flow rate and volume by 25 percent for a two-year, 24-hour design storm. Therefore, the proposed project operations would not violate water quality standards or waste discharge requirements.

Construction activities such as excavation, earthmoving, and grading would expose soil and could result in erosion and excess sediments being carried in stormwater runoff to the combined stormwater/sewer system. In addition, stormwater runoff from temporary on-site use and storage of vehicles, fuels, waste, and other hazardous materials could carry pollutants to the combined stormwater/sewer system if proper handling methods are not employed. Runoff from the project site would drain into the City's combined stormwater/sewer system, ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plant before being discharged into San Francisco Bay.

The proposed project would disturb more than 5,000 square feet of ground surface and is subject to the San Francisco Construction Site Runoff Ordinance. Accordingly, the project sponsor must prepare and implement an erosion and sediment control plan during project construction. Compliance with this ordinance would reduce the potential for sediments and other pollutants to enter the combined stormwater/sewer system. The erosion and sediment control plan must include best management practices designed to prevent discharge of sediment and other pollutants from the site and is subject to review and approval by the San Francisco Public Utilities Commission (SFPUC).

As discussed in Section E.15, Geology and Soils, the project site is generally underlain by alluvium consisting of clay and sand. There is bedrock under the western portion of the project site below a depth of 21 feet below ground surface (bgs). Groundwater is present at depths ranging from six feet to 17 feet bgs. The proposed project's excavation and permanent structures have the potential to encounter groundwater, which could impact water quality. Any groundwater encountered during construction or operation of the proposed project would be subject to the requirements of the San Francisco Sewer Use Ordinance, as supplemented by San Francisco Public Works Order No. 158170, requiring a permit from the Wastewater Enterprise Collection System Division of the SFPUC. A permit may be issued only if an effective pretreatment system is maintained and operated. Each permit for such discharge shall contain specified water quality standards and may require the project sponsor to install and maintain meters to measure the volume of the discharge into the combined stormwater/sewer system. If wells are used for groundwater dewatering, the project would be required to comply with San Francisco's Soil Boring and Well Regulation Ordinance, adopted as Article 12B of the

San Francisco Health Code, requiring a permit from the Department of Public Health for operation of a well and from the SFPUC for use of wellwater.

For these reasons, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. This impact would be less than significant, and no mitigation measures are necessary.

**Impact HY-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (*Less than Significant*)**

As discussed under Impact HY-1, groundwater is located between six feet and 17 feet bgs. The proposed project's excavation has the potential to encounter groundwater, which could affect groundwater supplies. Although dewatering would be required during construction, any effects related to lowering the water table would be temporary and would not be expected to substantially deplete groundwater resources. This impact would be less than significant, and no mitigation measures are necessary.

**Impact HY-3: The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (*Less than Significant*)**

The project site is entirely paved and is currently developed with three buildings and a surface parking lot. For these reasons, construction of the proposed project would not increase the area of impervious surfaces on the project site or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding on-or off-site. As discussed under Impact GE-2, the project sponsor would be required to develop and implement an erosion and sediment control plan to minimize soil erosion during excavation and construction activities. With no increase in the area of impervious surfaces on the project site, the proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

There is a historical (buried) seasonal stream that flows in a north-south direction across the project site, but construction of the proposed project would not alter the course of this stream. Additionally, the project site is also located within the SFPUC 100-year storm flood risk zone.<sup>107</sup> The building has been elevated such that the garage entry and the unit entries along the corner of

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<sup>107</sup> San Francisco Public Utilities Commission. Available online at: <https://sfplanninggis.org/floodmap/>

Ocean and Cayuga avenues are above the 100-year flood plain. These areas of the building are the most vulnerable to flooding.

Therefore, this impact would be less than significant, and no mitigation measures are necessary.

**Impact HY-4: The proposed project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. (No Impact)**

There are no dams or levees near the project site. As shown on Map 6, Potential Inundation Areas Due to Reservoir Failure, in the Community Safety Element of the *General Plan*, the project site is not in an area that would be flooded in the event that an existing dam or levee fails.<sup>108</sup>

As shown on Map 5, Tsunami Hazard Zones, San Francisco, 2012, in the Community Safety Element of the General Plan, the project site is not in a tsunami hazard zone, so the proposed project would not be at risk of inundation by tsunami.<sup>109</sup> A seiche is a periodic oscillation (rise and fall) of the surface of an enclosed or semi-enclosed body of water that can be caused by atmospheric or seismic disturbances. Tidal records for San Francisco Bay show that the 1906 earthquake caused a seiche of approximately four inches. A temporary four-inch rise in the water level of San Francisco Bay would not reach the project site, which is 5.75 miles and 2.7 miles from San Francisco's northern and eastern shorelines, respectively. Therefore, the proposed project would not be at risk of inundation by seiche.

For these reasons, the proposed project would have no impact related to the release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

**Impact HY-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Less than Significant)**

As discussed under Impact HY-1, project-related wastewater and stormwater would flow into the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Groundwater encountered during construction or operation of the proposed project would be required to meet certain water quality standards before being discharged into the combined stormwater/sewer system. As discussed under Impact HY-2, the proposed project would not permanently or substantially deplete groundwater resources. For these reasons, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable

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<sup>108</sup> San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 17. Available online at [http://generalplan.sfplanning.org/Community\\_Safety\\_Element\\_2012.pdf](http://generalplan.sfplanning.org/Community_Safety_Element_2012.pdf), accessed July 3, 2019.

<sup>109</sup> San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 15. Available online at [http://generalplan.sfplanning.org/Community\\_Safety\\_Element\\_2012.pdf](http://generalplan.sfplanning.org/Community_Safety_Element_2012.pdf), accessed July 3, 2019.



groundwater management plan. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-HY-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to hydrology and water quality. (*Less than Significant*)**

Implementation of the proposed project, in combination with cumulative development in the project vicinity, would result in the construction of 467 net new dwelling units, approximately 1,625 sf of commercial space, and a 15,400-sf school serving kindergarten through eighth grade. This cumulative development would result in an incremental increase in water consumption and wastewater generation. The SFPUC has accounted for such growth in its service projections. Nearby cumulative development projects would be subject to the same water conservation, stormwater management, and wastewater discharge ordinances applicable to the proposed project. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to hydrology and water quality.

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>17. HAZARDS AND HAZARDOUS MATERIALS.</b>					
<b>Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an area covered by an airport land use plan or within two miles of a public airport or a public use airport. Therefore, Topic 17e is not applicable to the proposed project.

**Impact HZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (*Less than Significant*)**

The proposed project's residential and childcare uses would involve the use of relatively small quantities of hazardous materials such as cleaners and disinfectants for routine purposes. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. For these reasons, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This impact would be less than significant, and no mitigation measures are necessary.

**Impact HZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (*Less than Significant*)**

The project site is occupied by three buildings, two of which were constructed during the 1950s. Due to the age of the buildings, it is possible that asbestos-containing material and lead-based paint are present. Demolition of the existing buildings could release asbestos-containing material, lead, or other hazardous materials into the environment.

Demolition and construction activities would follow all appropriate standards and regulations for hazardous materials, including the California Health and Safety Code. Currently, Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos.

The Bay Area Air Quality Management District (air district) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement and is to be notified 10 days in advance of any proposed demolition or asbestos abatement work. The notification must include (1) the address of the operation; (2) the names

and addresses of those who are responsible; (3) the location and description of the structure to be altered, including size, age, prior use, and the approximate amount of friable asbestos; (4) scheduled start and completion dates for the asbestos abatement work; (5) nature of the planned work and methods to be employed; (6) procedures to be employed to meet air district requirements; (7) and the name and location of the waste disposal site to be used. The air district randomly inspects asbestos removal operations and will inspect any removal operation about which a complaint has been received. Any asbestos-containing building material disturbance at the project site would be subject to the requirements of air district Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation, and Manufacturing.

The local office of Cal/OSHA must also be notified of any asbestos abatement that is to be carried out. Asbestos abatement contractors must follow state regulations contained in the California Code of Regulations, Title 8, Section 1529 and Sections 341.6 through 341.14, where there is asbestos-related work involving 100 square feet or more of asbestos-containing building material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a hazardous waste manifest that details the hauling of the material from the site and the disposal of it. Pursuant to law, the Department of Building Inspection (DBI) will not issue the required permit until the project sponsor has complied with the notice requirements described above.

If lead-based paint is present, demolition of the existing buildings on the project site would be subject to the Cal/OSHA Lead in Construction Standard (8 California Code of Regulations Section 1532.1), which requires development and implementation of a lead compliance plan when materials that contain lead would be disturbed during construction. The plan must describe activities that could emit lead, methods that will be used to comply with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. Cal/OSHA would require 24-hour notification if more than 100 square feet of materials that contain lead would be disturbed. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

Therefore, through compliance with existing laws and regulations, impacts related to exposure to hazardous building materials during demolition would be less than significant, and no mitigation measures are necessary.

**Impact HZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (*Less than Significant*)**

There are two existing schools within one-quarter mile of the project site: Balboa High School (0.15 mile southwest) and James Denman Middle School (0.3 mile southwest). In addition, the proposed project would include an on-site childcare facility. As discussed under Impact HZ-1, the proposed project would include the use of common household items in quantities too small

to create a significant hazard to the public or the environment. The proposed residential and childcare uses would not produce hazardous emissions and would not involve the handling of hazardous or acutely hazardous materials, substances, or waste. This impact would be less than significant, and no mitigation measures are necessary.

**Impact HZ-4: The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (*Less than Significant*)**

The project site is located in a Maher Area, meaning that it is known or suspected to contain contaminated soil and/or groundwater.<sup>110</sup> The proposed project would require excavation to a depth of up to 21 feet below ground surface and the disturbance of more than 50 cubic yards of soil. For these reasons, the proposed project is subject to the Maher Ordinance, which is administered by the Department of Public Health (DPH).

The Maher Ordinance requires sponsors for projects that disturb more than 50 cubic yards of soil to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the proposed project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a Site Mitigation Plan (SMP) to the DPH or other appropriate state or federal agencies and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Ordinance Application to the DPH.<sup>111</sup> A Phase I ESA has been prepared to assess the potential for site contamination, and the findings are summarized below.<sup>112</sup>

The Phase I ESA noted that hazardous materials and chemicals at the project site consisted only of cleaning supplies and paint. These materials were stored properly, and there is no evidence of improper use, storage, or disposal of hazardous materials or other chemicals. No chemical storage tanks, significant staining on exterior paved surfaces, or stained soil was observed. Although historic city directories contain dry cleaning business listings for 73 Ocean Avenue and 79 Ocean Avenue from 1954-1967, no records of actual on-site dry cleaning operations at the project site were found within these records. Therefore, the Phase 1 ESA found that no further investigation of this previous use of the property was warranted.

The adjacent property at 915 Cayuga Avenue is listed in the Leaking Underground Storage Tank database. The adjacent property was the site of the former Hayes Laundry. Three underground

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<sup>110</sup> San Francisco Planning Department, GIS database Maher Map layer, accessed July 1, 2019.

<sup>111</sup> *Maher Ordinance Application, 65 Ocean Avenue*, submitted September 15, 2017.

<sup>112</sup> PIERS Environmental Services, Inc., *Phase I Environmental Site Assessment for 65 Ocean Avenue, San Francisco, California* (hereinafter “Phase I ESA”), March 2012.

storage tanks were removed from 915 Cayuga Avenue during the mid-1990s. This case has been closed and is unlikely to be of environmental concern in relation to the project site.

The adjacent properties at 55 Ocean Avenue and 915 Cayuga Avenue are both listed in the HAZMAT database. Since neither of these adjacent properties is an active spill or release site, they do not appear to be of environmental concern in relation to the project site.

The Phase I ESA recommended that no additional investigation be conducted, but the DPH reviewed the Phase I ESA and concluded that additional analysis in the form of a Phase II Site Assessment Work Plan is warranted.<sup>113</sup> In response to this request, the project sponsor submitted a Phase II Work Plan Report and a Subsurface Analysis Report. After reviewing these documents, the DPH concluded that the proposed project would comply with the Maher Ordinance with the preparation of a dust control plan and a health and safety plan.<sup>114</sup>

Since the project site is larger than one-half acre, the project sponsor is required to prepare and submit a dust control plan and a health and safety plan to protect construction workers and the public from effects related to hazardous materials during construction of the proposed project. The dust control plan and the health and safety plan would be reviewed and approved by the DPH prior to the commencement of construction activities.

Required compliance with the Maher Ordinance and implementation of the dust control plan and health and safety plan would ensure that the proposed project would result in a less-than-significant impact related to hazardous materials, and no mitigation measures are necessary.

**Impact HZ-5: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. (*Less than Significant*)**

In San Francisco, fire safety is ensured through the provisions of the Building Code and the Fire Code. During the review of the building permit application, the DBI and the Fire Department will review the project plans for compliance with all regulations related to fire safety, which may include the development of an emergency procedure manual or an exit drill plan for the residents of the proposed project. Compliance with fire safety regulations would ensure that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving wildland fires. This impact would be less than significant, and no mitigation measures are necessary.

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<sup>113</sup> San Francisco Department of Public Health, *Phase II Work Plan Request, 65 Ocean Avenue*, August 7, 2018.

<sup>114</sup> San Francisco Department of Public Health, *Article 22A Compliance & Dust Control Plan Request, 65 Ocean Avenue*, November 14, 2018.

**Impact C-HZ-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to hazards and hazardous materials. (*Less than Significant*)**

Environmental impacts related to hazards and hazardous materials are generally site-specific. The proposed project could result in potential impacts related to hazardous materials due to construction activities within potentially contaminated soil and demolition of structures that contain hazardous building materials. However, compliance with applicable regulatory requirements would reduce those impacts to less-than-significant levels. Nearby cumulative development projects would be subject to the same regulations related to hazardous materials applicable to the proposed project. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to hazards and hazardous materials.

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>18. MINERAL RESOURCES. Would the project:</b>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact MR-1: The proposed project would not result in the loss of availability of a known mineral resource or a locally-important mineral resource recovery site. (*No Impact*)**

All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.<sup>115</sup> This designation indicates that there is inadequate information available for assignment to any other mineral resource zone. Based on the MRZ-4 designation, the project site is not a designated area of known mineral deposits or a locally important mineral resource recovery site. For this reason, the proposed project would have no impact on mineral resources.

**Impact C-MR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact on mineral resources. (*No Impact*)**

<sup>115</sup> California Division of Mines and Geology, *Open File Report 96-03, 1996, and Special Report 146 Parts I and II*, 1986.

As discussed above, San Francisco is not a designated area of significant mineral deposits and does not have locally important mineral resource recovery sites. Implementation of nearby cumulative development projects would have no impact on mineral resources. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on mineral resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>19. ENERGY. Would the project:</b>					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact EN-1: The proposed project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (*Less than Significant*)**

In California, energy consumption in buildings is regulated by Title 24 of the California Code of Regulations. Title 24 includes standards that regulate energy consumption for the heating, cooling, ventilation, and lighting of residential and nonresidential buildings. In San Francisco, documentation demonstrating compliance with Title 24 standards is required to be submitted with a building permit application. Compliance with Title 24 standards is enforced by the Department of Building Inspection. The proposed project would comply with the standards of Title 24 and the requirements of the San Francisco Green Building Ordinance and would be built to GreenPoint Rated standards, thus minimizing the amount of fuel, water, or energy used during its construction and operational phases. The proposed project would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use them in a wasteful manner. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-EN-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulative impact related to energy. (*Less than Significant*)**

Nearby cumulative development projects would be subject to the same energy conservation, water conservation, recycling and composting, and construction and demolition debris ordinances applicable to the proposed project. For this reason, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to energy.

<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
<b>20. AGRICULTURE AND FORESTRY RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.					
<b>Would the project:</b>					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site does not contain agricultural uses, is not zoned for agricultural use, and is not subject to a Williamson Act contract.<sup>116</sup> The project site does not contain forest land or timberland as defined in Public Resources Code Sections 12220(g) and 4526, respectively. Therefore, Topics 20a through 20e are not applicable to the proposed project or cumulative development projects.

<sup>116</sup> California Department of Conservation, *Important Farmland in California*, 2016. Available online at [http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/statewide/2016/fmmp2016\\_20\\_23.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/statewide/2016/fmmp2016_20_23.pdf), accessed June 27, 2019.



<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>21. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>					
a) Substantially impair an adopted emergency response plan or emergency evacuation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structure to significant risks including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not in or near any state responsibility areas for fire prevention or lands classified as very high fire hazard severity zones.<sup>117</sup> Therefore, Topics 21a through 21d are not applicable to the proposed project or cumulative development projects.

Please see Section E.17, Hazards and Hazardous Materials, for additional discussion of impacts related to wildland fires.

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<sup>117</sup> California Department of Fire and Forest Protection, Fire Resource Assessment Program, Fire Hazard Severity Zones viewer. Available online at <https://egis.fire.ca.gov/FHSZ>, accessed July 1, 2019.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>22. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:</b>					
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Authority cited: Sections 21083 and 21083.05, 21083.09 Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21073, 21074 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21080.3.1, 21080.3.2, 21082.3, 21084.2, 21084.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

The proposed project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As discussed in Section E.3, Cultural Resources, implementation of the proposed project would not result in a substantial adverse change in the significance of an archeological resource and would not disturb human remains. As discussed in Section E.4, Tribal Cultural Resources, implementation of the proposed project would not result in a substantial adverse change in the significance of a tribal cultural resource. As discussed in Section E.15, Geology and Soils, implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site. For these reasons, the proposed project would not result in the elimination of important examples of major periods of California history or prehistory.

The proposed project would not combine with past, present, or reasonably foreseeable future projects to create significant cumulative impacts related to any of the topics discussed in Section E, Evaluation of Environmental Effects. There would be no significant cumulative impacts to which the proposed project would make cumulatively considerable contributions.

As discussed in Section E, Evaluation of Environmental Effects, the proposed project is anticipated to only result in less-than-significant impacts for the topics included in the Initial Study checklist. The foregoing analysis identifies potentially significant impacts related to cultural resources, tribal cultural resources, noise, which would be mitigated through implementation of mitigation measures, as described in the following paragraphs and in more detail in Section F, Mitigation Measures and Improvement Measures.

As discussed in Section E.3, Cultural Resources, construction of the proposed project could cause a substantial adverse change in the significance of an archeological resource. Implementation of Mitigation Measure M-CR-2: Archeological Testing, would reduce this impact to a less-than-significant level. As discussed in Section E.4, Tribal Cultural Resources, construction of the proposed project could cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of Mitigation Measure M-TC-1: Tribal Cultural Resources Interpretive Program, would reduce this impact to a less-than-significant level. As discussed in Section E.6, Noise, construction of the proposed project could generate substantial temporary or periodic increases in ambient noise levels in the project vicinity. Implementation of Mitigation Measure M-NO-1: Construction Noise Control, would reduce this impact to a less-than-significant level. For these reasons, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings.

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## F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

The following mitigation measures have been identified to reduce potentially significant environmental impacts resulting from the proposed project to less-than-significant levels.

### **Mitigation Measures**

#### **Mitigation Measure M-CR-2: Archeological Testing**

Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources and on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archeologist. After the first project approval action or as directed by the Environmental Review Officer (ERO), the project sponsor shall contact the Planning Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension

is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5(a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>118</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative<sup>119</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Monitoring Program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO, in consultation with the project archeologist, shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archeological resources and to their depositional context;
- The archeological consultant shall undertake a worker training program for soils-disturbing workers that will include an overview of expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy

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<sup>118</sup> The term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>119</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archeologist.

equipment until the deposit is evaluated. If in the case of pile driving or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO, in consultation with the archeological consultant, determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- C) The proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or
- D) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.

- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* If human remains and associated or unassociated funerary objects are discovered during any soils-disturbing activity, all applicable state and federal laws shall be followed, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Section 15064.5(d)) within six days of the discovery of the human remains. This proposed timing shall not preclude the PRC 5097.98 requirement that descendants make recommendations or preferences for treatment within 48 hours of being granted access to the site. The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached, state regulations shall be followed including the reinterment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Public Resources Code Section 5097.98).

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The Draft FARR shall include a curation and deaccession plan for all recovered cultural materials. The Draft FARR shall also include an Interpretation Plan for public interpretation of all significant archeological features.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, the consultant shall also prepare a public distribution version of the FARR. Copies of the FARR shall be distributed as follows: the California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning Division of the Planning Department shall receive one bound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of

Historical Resources. In instances of public interest in or the high interpretive value of the resource, the ERO may require a different or additional final report content, format, and distribution than that presented above.

**Mitigation Measure M-TC-1: Tribal Cultural Resources Interpretive Program**

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The ERO also shall be notified immediately upon the discovery of human remains.

The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement ("Agreement") with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.

Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of the MLD. However, if the ERO, project sponsor and MLD are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.

Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's archaeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner and the ERO.

**Mitigation Measure M-NO-1: Construction Noise Control**

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant to ensure that maximum feasible noise attenuation will be achieved for the duration of construction activities. Prior to commencement of

demolition and construction activities, the project sponsor shall submit the construction noise control plan to the San Francisco Planning Department for review and approval. Noise attenuation measures shall be implemented to meet a goal of not increasing noise levels from construction activities by more than 10 dBA above the ambient noise level at sensitive receptor locations. Noise measures may include, but are not limited to, those listed below.

- Require that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
- Prohibit gasoline or diesel engines from having unmuffled exhaust systems.
- Ensure that equipment and trucks for project construction use the best available noise control techniques (e.g., improved mufflers, redesigned equipment, intake silencers, ducts, engine enclosures, acoustically attenuating shields or shrouds) wherever feasible. According to the Federal Highway Administration, the use of shields or barriers around noise sources can reduce noise by 5 to 10 dBA, depending on the type of barrier used.
- Use “quiet” gasoline-powered or electrically powered compressors as well as electric rather than gasoline- or diesel-powered forklifts for small lifting, where feasible.
- Locate stationary noise sources, such as temporary generators, concrete saws, and crushing/processing equipment, as far from nearby receptors as possible; muffle and enclose noise sources within temporary enclosures and shield with barriers, which could reduce construction noise by as much as 5 dB; or implement other measures, to the extent feasible.
- Undertake the noisiest activities during times of least disturbance to surrounding residents and occupants, such as midday or early afternoon when residents are more likely to be at work and less likely to be sleeping, as feasible.
- During the demolition phase, provide solid sound barriers (minimum 10 feet high) along property lines facing residential properties. During all project phases (until the building is enclosed), provide a solid sound barrier (minimum 10 feet high) along southern property line.
- In response to noise complaints received from people in the project area, monitor the effectiveness of noise attenuation measures by taking noise measurements. A plan for noise monitoring shall be provided to the City for review prior to the commencement of each construction phase.

The construction noise control plan must include the following measures for responding to and tracking complaints pertaining to construction noise:

- A procedure and phone numbers for notifying the Department of Building Inspection, health department, or the police department of complaints (during regular construction hours and off hours).
- A sign posted onsite describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction.



- Designation of an onsite construction complaint and enforcement manager for the project.
- A plan for notification of neighboring residents and nonresidential building managers within 300 feet of the project construction area at least 30 days in advance of activities that could increase daytime ambient noise levels at sensitive receptor locations by 10 dBA or more. The notification must include the associated control measures that will be implemented to reduce noise levels.

## **Improvement Measures**

### **Improvement Measure I-TR-1: Coordinated Construction Traffic Management Plan**

The project sponsor should participate in the preparation and implementation of a coordinated construction traffic management plan that includes measures to reduce hazards between construction-related traffic and pedestrians, bicyclists, and transit vehicles. The coordinated construction traffic management plan should be prepared in coordination with other public and private projects within a one-block radius that may have overlapping construction schedules and should be subject to review and approval by the City's interdepartmental Transportation Advisory Staff Committee (TASC). The plan should include, but not necessarily be limited to, the following measures:

**Restricted Construction Access Hours:** Limit truck movements and deliveries requiring lane closures to occur between 9:00 a.m. and 4:00 p.m., outside of peak morning and evening weekday commute hours.

**Alternative Transportation for Construction Workers:** Provide incentives to construction workers to carpool, use transit, bike, and walk to the project site as alternatives to driving alone to and from the project site. Such incentives may include, but not be limited to, providing secure bicycle parking spaces, participating in the free-to-employee-and-employer ride matching program from [www.511.org](http://www.511.org), participating in the emergency ride home program through the City of San Francisco ([www.sferh.org](http://www.sferh.org)), and providing transit information to construction workers.

**Construction Worker Parking Plan:** The location of construction worker parking will be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking will be discouraged. The project sponsor could provide on-site parking once the below-grade parking garage is usable.

**Coordination of Temporary Sidewalk Closures:** The project sponsor should coordinate sidewalk closures with other projects requesting concurrent lane or sidewalk closures through the TASC and interdepartmental meetings, to minimize the extent and duration of requested closures.

**Maintenance of Transit, Vehicle, Bicycle, and Pedestrian Access:** The project sponsor/construction contractor(s) should meet with Public Works, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to include in the Coordinated Construction Management Plan to maintain access for transit,

vehicles, bicycles, and pedestrians. This should include an assessment of the need for temporary transit stop relocations or other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the project.

**Proposed Project Construction Updates for Adjacent Businesses and Residents:**

Provide regularly updated information regarding project construction, including a construction contact person, construction activities, duration, peak construction activities (e.g., concrete pours), travel lane closures, and lane closures (bicycle and parking) to nearby residences and adjacent businesses through a website, social media, or other effective methods acceptable to the ERO.

**Improvement Measure I-TR-2: Queue Abatement**

Prior to a recurring queue occurring (e.g., if queues are observed for a consecutive period of two minutes or longer), the owner/operator of the parking facility will employ abatement methods as needed to abate a reoccurring queue. Appropriate abatement methods will be tailored to the characteristics and causes of a reoccurring queue on Cayuga Avenue, as well as the characteristics of the project driveway and garage.

Suggested abatement methods may include, but are not limited to, the following: redesign of the garage and/or driveway to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; additional Transportation Demand Management (TDM) strategies, such as additional bicycle parking, or parking demand management strategies.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department will notify the property owner in writing. Upon request, the owner/operator will hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant will prepare a monitoring report to be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue does exist, the facility owner/operator will have 90 days from the date of the written determination to abate the queue.

**Improvement Measure I-TR-3: Passenger Loading Education**

The project sponsor should encourage resident and visitor use of the designated Alemany Boulevard passenger loading zone rather than any curb space along the proposed project's Ocean Avenue frontage. The sponsor should supplement the promotion and move-in packets included as part of proposed TDM Measure INFO-3 (Tailored Transportation Marketing Services). Supplementary printed materials should explain that Alemany Boulevard is the preferred passenger loading location and should request that residents both direct pick-up or drop-off drivers and direct any visitors being dropped off or picked up to use the Alemany Boulevard passenger loading zone.

Additionally, the project sponsor should install signage directing residents or visitors to the Alemany Boulevard exit and passenger loading zone. This signage should be co-located with the multimodal wayfinding signage proposed to be included in the proposed project as part of TDM Measure INFO-1 (Multimodal Wayfinding Signage).

## **G. PUBLIC NOTICE AND COMMENT**

On January 15, 2019, the Planning Department mailed a Notification of Project Receiving Environmental Review to owners of properties within 300 feet of the project site, adjacent occupants, and neighborhood groups. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate.

The Planning Department received comments expressing concerns about:

- the disproportionately high number of studios and one-bedroom units in a neighborhood that needs larger family-sized units (three-bedroom units and larger);
- the inadequate number of units (48 out of 193) that would be affordable to low-income households;
- the design compatibility of the proposed project with the existing neighborhood architecture;
- the inadequate number of parking spaces being provided by the proposed project;
- bicycle and pedestrian safety related to the proposed location of the garage entrance/exit on Cayuga Avenue;
- increased traffic congestion;
- increased noise and loss of privacy related to the proposed roof terraces;
- increased shadow; and
- contaminated soil from leaking underground storage tanks on the project site and adjacent and nearby properties;

The proposed unit mix, the number of affordable dwelling units, and the number of parking spaces are not environmental review issues. These issues are related to the merits of the proposed project and may be considered by City decision-makers during their deliberations on whether to approve the proposed project.

As discussed in Section D, Summary of Environmental Effects, the proposed project is a mixed-use residential project on an infill site in a transit priority area. Pursuant to CEQA Section 21099, aesthetics shall not be considered in determining if a project has the potential to result in significant environmental effects. The proposed project's design compatibility with the existing architectural character of the neighborhood may be considered by City decision-makers during their deliberations on whether to approve the proposed project.

Impacts related to traffic, including bicycle and pedestrian safety and increased traffic congestion, are discussed in Section E.5, Transportation and Circulation. Impacts related to increased noise and increased shadow are discussed in Section E.6, Noise, and Section E.10, Shadow, respectively. Impacts related to hazardous materials, including contaminated soil from leaking underground storage tanks, are discussed in Section E.17, Hazards and Hazardous Materials.

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## H. DETERMINATION

On the basis of this Initial Study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.



Lisa Gibson  
Environmental Review Officer  
for  
John Rahaim  
Director of Planning

DATE 9/19/19

## **I. INITIAL STUDY PREPARERS**

Planning Department, City and County of San Francisco

Environmental Planning Division

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Principal Environmental Planner: Chelsea Fordham

Senior Environmental Planner: Michael Li

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### **Environmental Consultants**

#### **Transportation Consultants**

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Oakland, CA 94612

Project Analysts: Mike Alston, Alex Garbier

Project Manager: Erin Ferguson,

PE Project Principal: Tim Erney, AICP, PTP, CTP

#### **Noise Consultant**

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351 California Street Suite 810

San Francisco, CA 94104

# **EXHIBIT A**

## **PROJECT PLANS**



65 OCEAN AVENUE, San Francisco  
193 New Residential Units  
New Child Care Facility





# PROJECT INFORMATION

## ■ UNITS

- RESIDENTIAL 193 UNITS, 59 X 1 BEDROOMS; 8 X 1 BEDROOMS + DEN; 57 X 2 BEDROOMS; 22 X 3 BEDROOMS; 47 X STUDIOS
- STORAGE/PARKING GARAGE
- CHILD CARE GROUND FLOOR

## ■ LOT SIZE

40,497 SF

## ■ HEIGHT

54'-7" TALL (54'-7" HEIGHT LIMIT PER HOME-SF)

## ■ PARKING

- TOTAL 121
- RESIDENTIAL PARKING 117
- RESIDENTIAL MOTORCYCLE 1
- CAR SHARE 2
- CHILD CARE PARKING 1
- BIKE PARKING RESIDENTIAL: 147 CLASS 1; 20 CLASS 2  
CHILD CARE: 2 CLASS 1; 2 CLASS 2

## ■ REAR YARD

8,683 SF (21.4 %)

## ■ OPEN SPACE

- COMMON 17,408 SF

## ■ ACCESSIBILITY

CBC SEC. 1134A, BATHING AND TOILET FACILITIES: PROJECT CONFORMS W/ OPTION 2 COMPLIANCE.

## ■ AFFORDABILITY

25%

## ■ CONSTRUCTION TYPE

TYPE-IIIA WOOD FRAMED CONSTRUCTION OVER TYPE-1A: CONCRETE PODIUM (S-2, R-2 & E



SCOPE OF WORK

THE PROPOSED PROJECT WOULD INCLUDE DEMOLITION OF (3) EXISTING TWO STORY AND (1) ONE-STORY COMMERCIAL BUILDING ON A THROUGH LOT AND CONSTRUCTION OF A 3-6-STORY OVER GARAGE, 54'-7" TALL MAXIMUM HEIGHT, 191,374 SQUARE FOOT RESIDENTIAL APARTMENT BUILDING. THE NEW BUILDING WOULD INCLUDE A TOTAL OF 193 DWELLING UNITS, 5.942 SQUARE FEET OF GROUND FLOOR CHILD CARE FACILITY, AND 121 PARKING SPACES IN A BELOW GRADE PARKING GARAGE.

SPECIAL USE DISTRICT

EXCELSIOR OUTER MISSION SUD

MODIFICATIONS REQUIRED:

REAR YARD MODIFICATION SEC.134, DWELLING UNIT EXPOSURE MODIFICATION SEC.140(a)(1), USABLE OPEN SPACE MODIFICATION SEC.135 AND INNER COURT AS OPEN SPACE SEC. 135 PER HOME-SF

GROSS AREA & UNIT MIX CALCULATIONS

GROSS EXTERIOR CALCULATIONS

AREA GROSS	
FLOOR (STORY)	AREA
GARAGE -10'	39,501
GROUND FLOOR -0'	27,964
2ND FLOOR +10'	29,880
3RD FLOOR +20'	31,354
4TH FLOOR +30'	26,302
5TH FLOOR +40'	17,871
6TH FLOOR +50'	17,785
ROOF +60'	717
TOTAL	191,374 sq ft

UNIT MIX CALCULATIONS

UNITS MIX		
UNIT TYPE	QUANTITY	UNIT MIX %
1 BD		
	59	32 %
1 BD + DEN		
	8	4 %
2 BD		
	57	29 %
3 BD		
	22	11 %
STUDIO		
	47	24 %
TOTAL	193	100 %

BUILDING AREA

BUILDING AREA	
AREA	GROSS AREA (SQ FT)
AMENITIES/LOBBY	5,999
CHILD CARE	5,388
CHILD CARE LOBBY	554
CIRCULATION	17,463
PARKING	28,577
RESIDENTIAL	129,906
RESIDENTIAL STORAGE	1,514
UTILITY	1,973
TOTAL	191,374 sq ft

BUILDING GFA

RESIDENTIAL	= 154,381 SF
CHILD CARE	= 5,942 SF
ALLOWED DEDUCTIONS	= 31,051 SF
PARKING	= 27,254 SF
BIKE PARKING	= 1,323 SF
SERVICE UTILITY IN BASEMENT	= 1,426 SF
ROOF STAIR/MECH BULKHEAD	= 872 SF
BAY WINDOW DEDUCTIONS	= 176 SF
GFA TOTAL WITH DEDUCTIONS	
191,374 SF - 31,051 SF	= 160,323 SF

Area Calculations: Common Open Space	
FLOOR (STORY)	Measured Area
GROUND FLOOR -0'	8,340
4TH FLOOR +30'	3,429
5TH FLOOR +40'	5,639
TOTAL	17,408 sq ft

Note: Child Care Open Space is included in the total Open Space Calculations

Area Calculations: Rear Yard		
FLOOR (STORY)	AREA	
GROUND FLOOR -0'	8,683	
TOTAL	8,683 sq ft	(21.4%)

PLANNING CODE SUMMARY

65 OCEAN AVE				ZONING SUMMARY
SECTION		REFERENCE	NOTES/REQUIRED	PROPOSED
	ASSESSORS BLOCK	Map	6954/018	-
	SITE AREA	Map	40,497 sf (0.376 Hectare)	-
	ZONING DISTRICT	ZN11	NCD-Excelsior Outer Mission	-
	HEIGHT	HT11	40-X / 54'-7" per HOME-SF	54'-7" subject to HOME-SF
	SPECIAL SIGN DISTRICT (SSD)	609.6	Scenic Streets SSD	-
	SLOPE OF 20% OR GREATER		-	-
	MAHER ORDINANCE		-	Subject to provisions of Health Code Article 22A, administered by DPH.
745.11	LOT SIZE		C 10,000 sf & above	40,497 sf
645.12	REAR YARD	130, 134a.1.C, 136	Req'd at 2nd story & above,20%req'd ≥ 15 ft per HOME-SF 20% x 40,497 = 8,099 sf required	8,683 sf (21.4%) rear yard equivalent provided via modification subject to Section 134(e) (1) & (2) subject to HOME-SF
745.13a	STREET FRONTAGE		Active uses required	No commercial space provided. Residential units and lobby meet active use requirements.
745.13b	GROUND FLOOR COMMERCIAL	145.4.19	Ocean Ave, for the entirety of the Ocean Ave NCT District	No commercial space provided
745.17	STREETSCAPE & PEDESTRIAN IMPROVEMENTS	138.1	Vision Zero Program: Incorporate pedestrian safety streetscape measures. Submit a streetscape plan.	
745.9	RESIDENTIAL USE	790.88	Permitted all stories	
745.91	DWELLING UNIT DENSITY	207.c	No dwelling unit density per HOME-SF	
745.91	DWELLING UNIT DENSITY	304(d)(4)	PUD in an the Excelsior Outer Mission Street Zoning District may utilize the next highest density ratio (one dwelling unit per 400 square feet of area), less one unit.	
745.91	DWELLING UNIT DENSITY	207.c	Additionally, Planning Code Section 207(c) allows for exceptions to dwelling unit density limits. For projects that are not located in any RH-1 or RH-2 Zoning District, are not seeking and receiving a HOME-SF Tier 2, and where 25 percent or more of the dwelling units are affordable units, the onsite affordable units shall not count towards the calculation of dwelling unit density.	No Density limit per HOME-SF; pending. 40,497 sf lot area / 193 DU = 1:211
	INCLUSIONARY HOUSING		25% Per Home-SF Tier 2	25% Per Home-SF Tier 2
745.93	USEABLE OPEN SPACE FOR DWELLING UNITS	135, 136 135(d)(2)	80 sf / unit private or 100 sf / unit common Dwelling units that measure less than 350 square feet plus a bathroom shall provide one-third or the amount required. 23 Units = 2,300 / 3 = 766 sf Common open space for 170 units x 100 sf = 17,000 sf required, 10% Reduction per HOME-SF Modifications = 15990 sf	17,408 sf common open space (qualifying space on roof decks & rear yard) provided for 193 units. 10% Reduction per HOME-SF Modifications. Note: Child Care Open Space is included in the total Open Space Calculations
745.94	OFF-STREET PARKING, RESIDENTIAL	151.1	None required. Permitted 1 space : 1unit	121 Parking Total, 117 Residential car parking, 1 Residential Motorcycle, 2 Car share, 1 Child Care parking,
745.95	COMMUNITY RESIDENTIAL PARKING	145.1, 166, 790.10	Parking for vicinity use. C	Not proposed.
	ABOVE-GRADE PARKING SETBACK	145.1.c.1	Setback ≥ 25ft on ground floor, 15 ft on floors above, from any façade facing a street ≥ 30 ft wide. All parking must be set back 25 ft from front of development.	39'-1" minimum parking setback at grade therefore complies
	PARKING & LOADING ENTRANCES	145.1.c.2	No more than 1/3 width (94/3=31'-4") or 20 ft, whichever is less can be used for parking/loading entrances	18'-0" parking entrance on Cayuga Avenue
	BIKE PARKING RESIDENTIAL - CLASS 1	155.2.11	Residential, Class 1: 1 per DU + 1 per 2 DU over 100	147 - Class 1 bike parking
	BIKE PARKING RESIDENTIAL - CLASS 2	155.2.11	Residential, Class 2: 1 per 20 DU (193 DU/20 = 10 req'd)	20 - Class 2 bike parking
	BIKE PARKING CHILD CARE - CLASS 1	155.2	Child Care, Class 1: 1 per 20 Child (25 / 20) 2 req'd)	2 - Class 1 bike parking
	BIKE PARKING CHILD CARE - CLASS 2	155.2	Child Care, Class 2: 1 per 20 Child (25 / 20) 2 req'd)	2 - Class 2 bike parking
	STREET TREES	138.1	1 per 20 ft street frontage	94' + 223'-6" + 125' = 442 ft / 20 = 22 trees required. 22 trees provided
	CAR SHARE	166	1 per 50 - 200 dwelling units	2 provided

BUILDING CODE SUMMARY

CONSTRUCTION TYPE: TYPE-IIIA WOOD FRAMED CONSTRUCTION OVER TYPE-1A: CONCRETE PODIUM (S-2, R-2 & E)

OCCUPANT GROUP:  
R-2: RESIDENTIAL BASEMENT TO 6TH FLOOR  
S-2: STORAGE/PARKING : GARAGE PLAN  
E: CHILD CARE: GROUND FLOOR

SPRINKLERS:  
NFPA 13 AUTOMATIC FIRE SPRINKLERS TO BE PROVIDED THROUGHOUT ENTIRE BLDG.

BLDG. HT. & NUMBER OF STORIES:  
ALLOWED: BLDG. HT: 54'-7"  
STORIES: MAXIMUM 4-6 - INCLUDING 4-5 STORIES OF TYPE VA OR IIIA (R-2) OVER 1-2 STORY OR BASEMENT TYPE IA (S-2, E)

PROPOSED: BLDG. HT: 54'-7"  
STORIES: VARIES 4-6 - INCLUDING 4-5 STORIES MAXIMUM OF TYPE VA OR IIIA (R-2) OVER 1-2 STORY OR BASEMENT TYPE IA S-2, E)

ACCESSIBLE ELEVATOR:  
BUILDING IS A COVERED MULTIFAMILY DWELLING WITH AN ELEVATOR THAT MEETS THE CH. 11A REQUIREMENTS

ACCESSIBILTY:  
CBC SEC. 1134A, BATHING AND TOILET FACILITIES: PROJECT CONFORMS W/ OPTION 2 COMPLIANCE.

DEFERRED SUBMITTALS: SPRINKLER SYSTEM IS UNDER SEPARATE PERMIT

CODE SUMMARY:

2016 CALIFORNIA BUILDING CODE  
2016 CALIFORNIA ELECTRICAL CODE  
2016 CALIFORNIA MECHANICAL CODE  
2016 CALIFORNIA PLUMBING CODE  
2016 CALIFORNIA ENERGY CODE  
2016 SAN FRANCISCO PLUMBING CODE AMENDMENTS  
2016 CALIFORNIA FIRE CODE

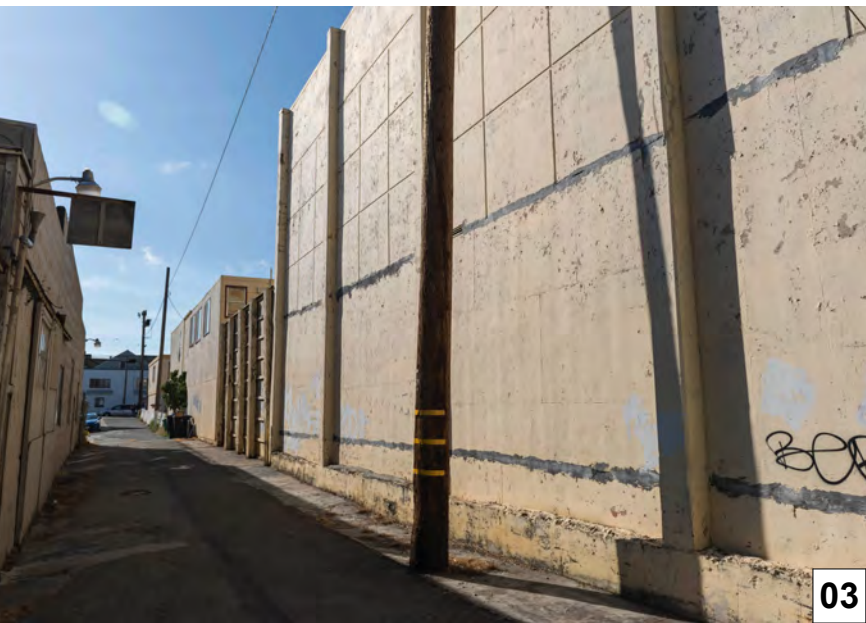




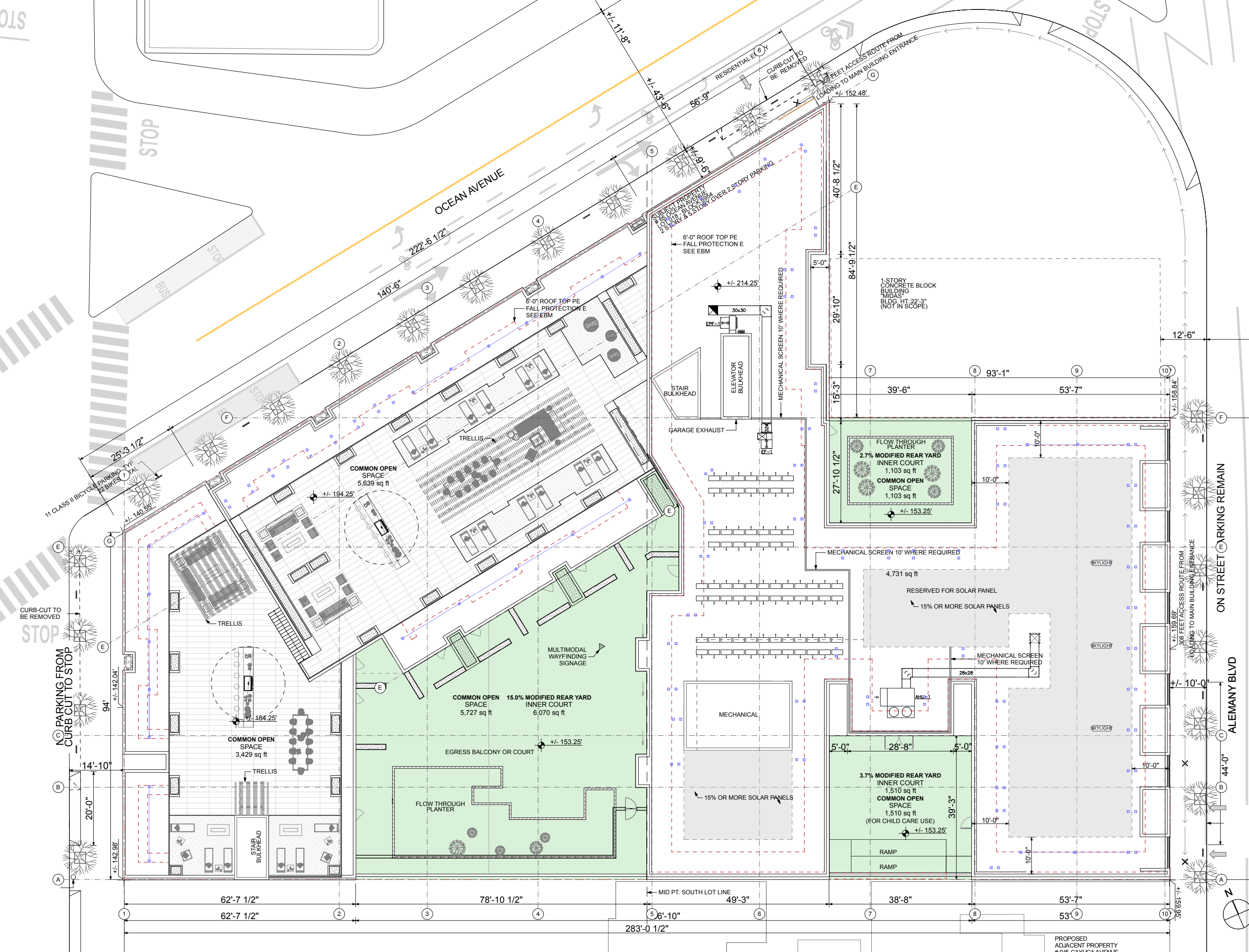


INTERSECTION OCEAN AVENUE & CAYUGA AVENUE



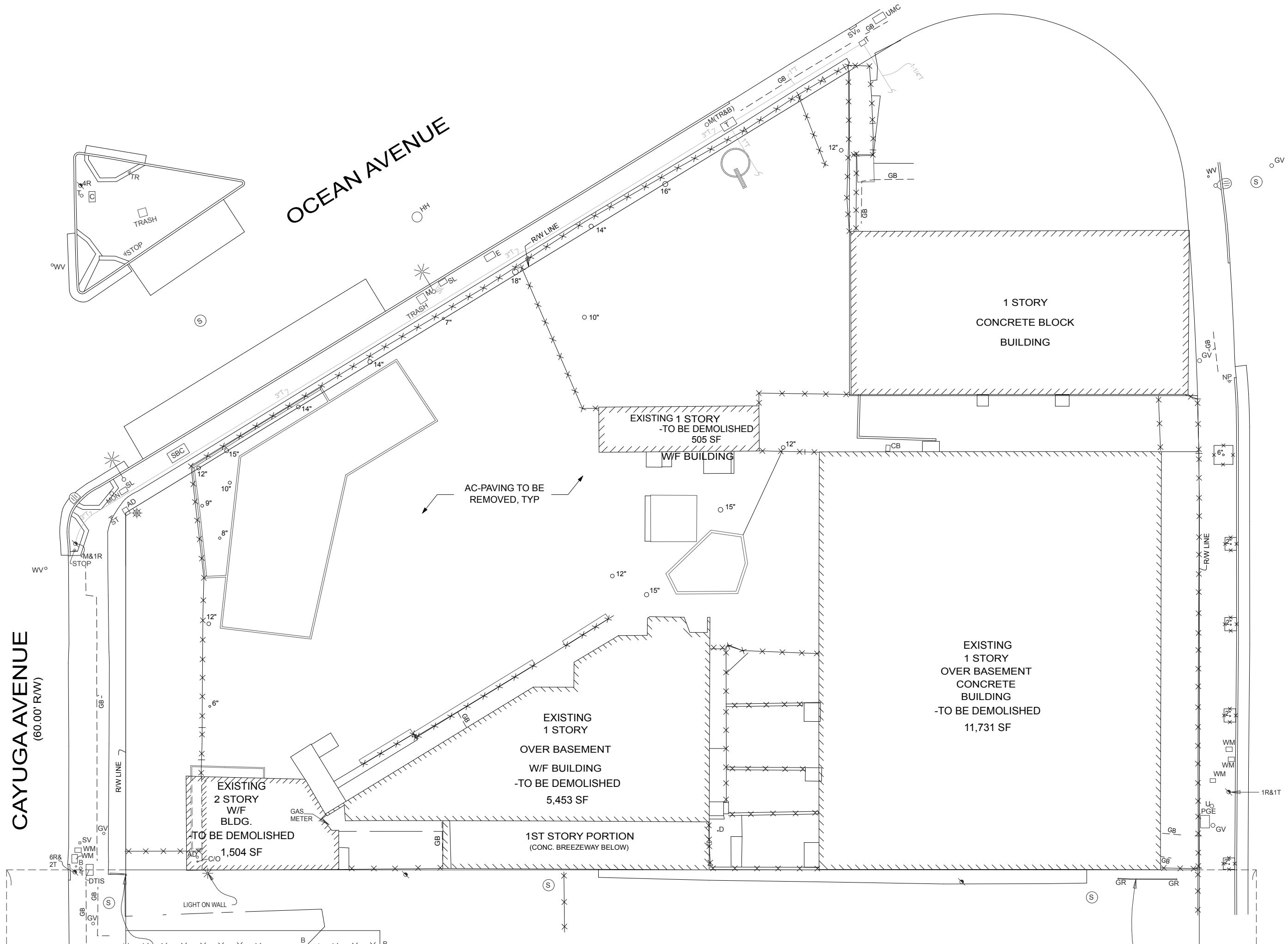






CAYUGA AVENUE  
(60.00' R/W)

OCEAN AVENUE





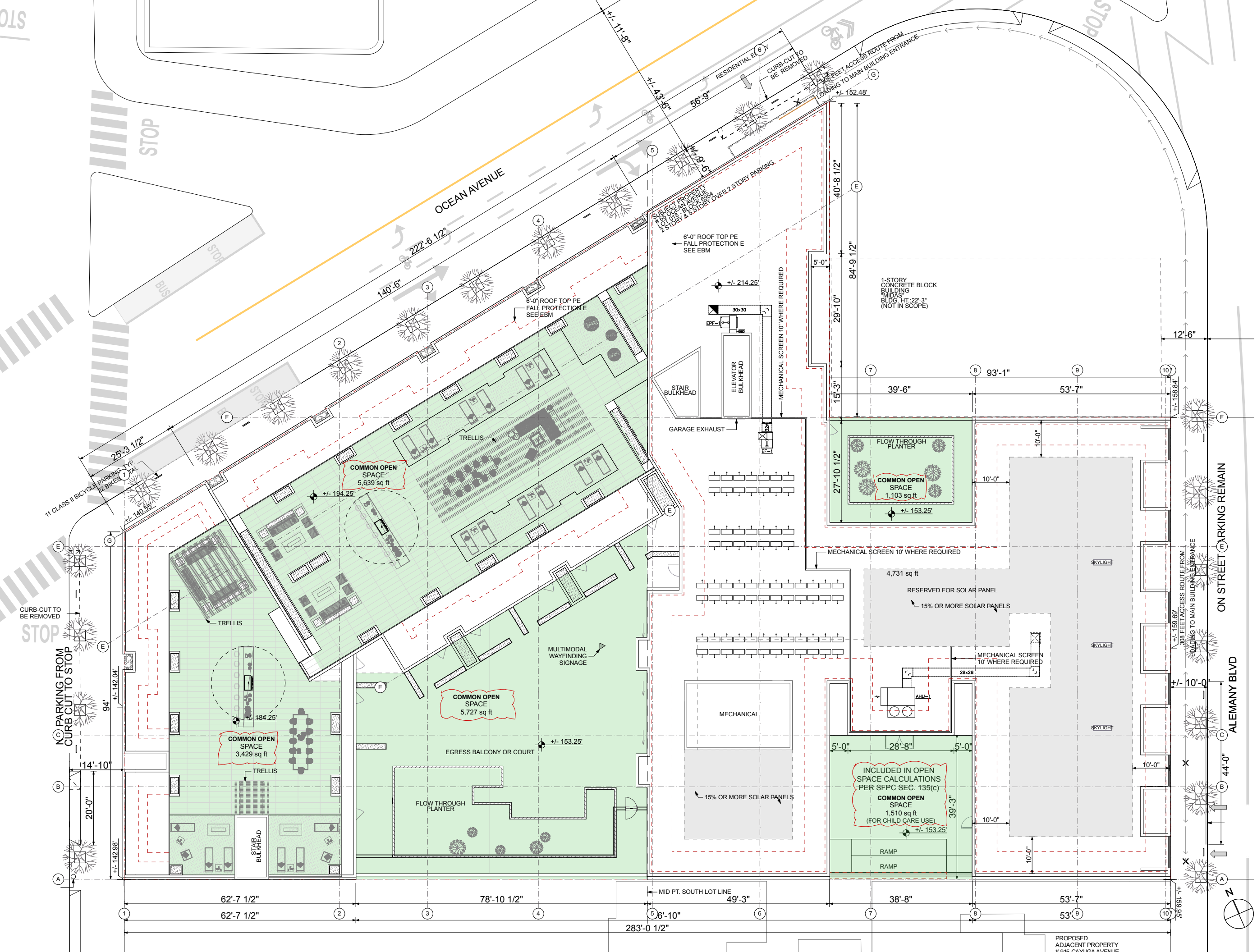
65 OCEAN AVENUE  
10/2/19

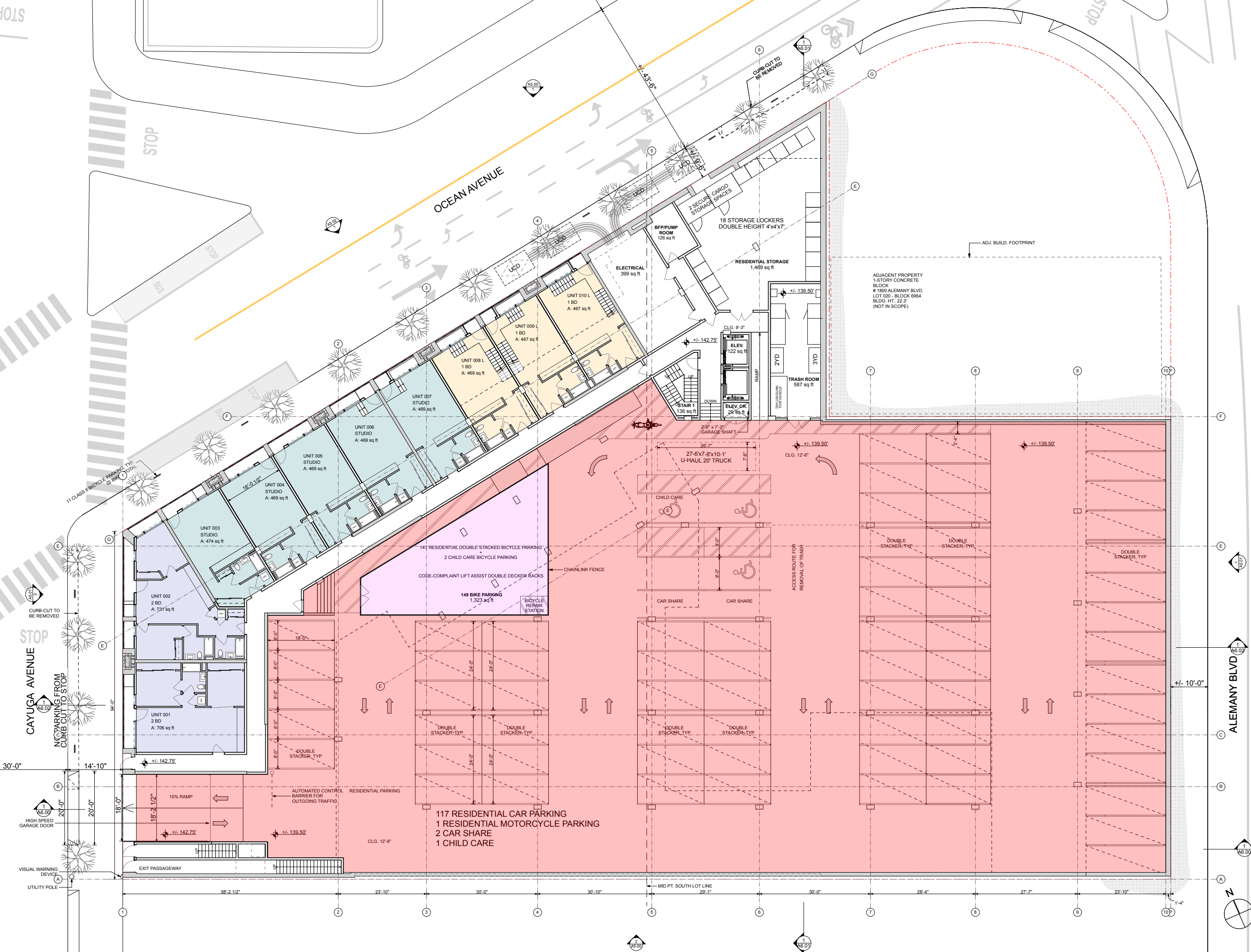
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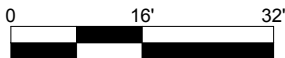
Note: Child Care Open Space is included in the total Open Space Calculations

QUALIFYING COMMON OPEN SPACE



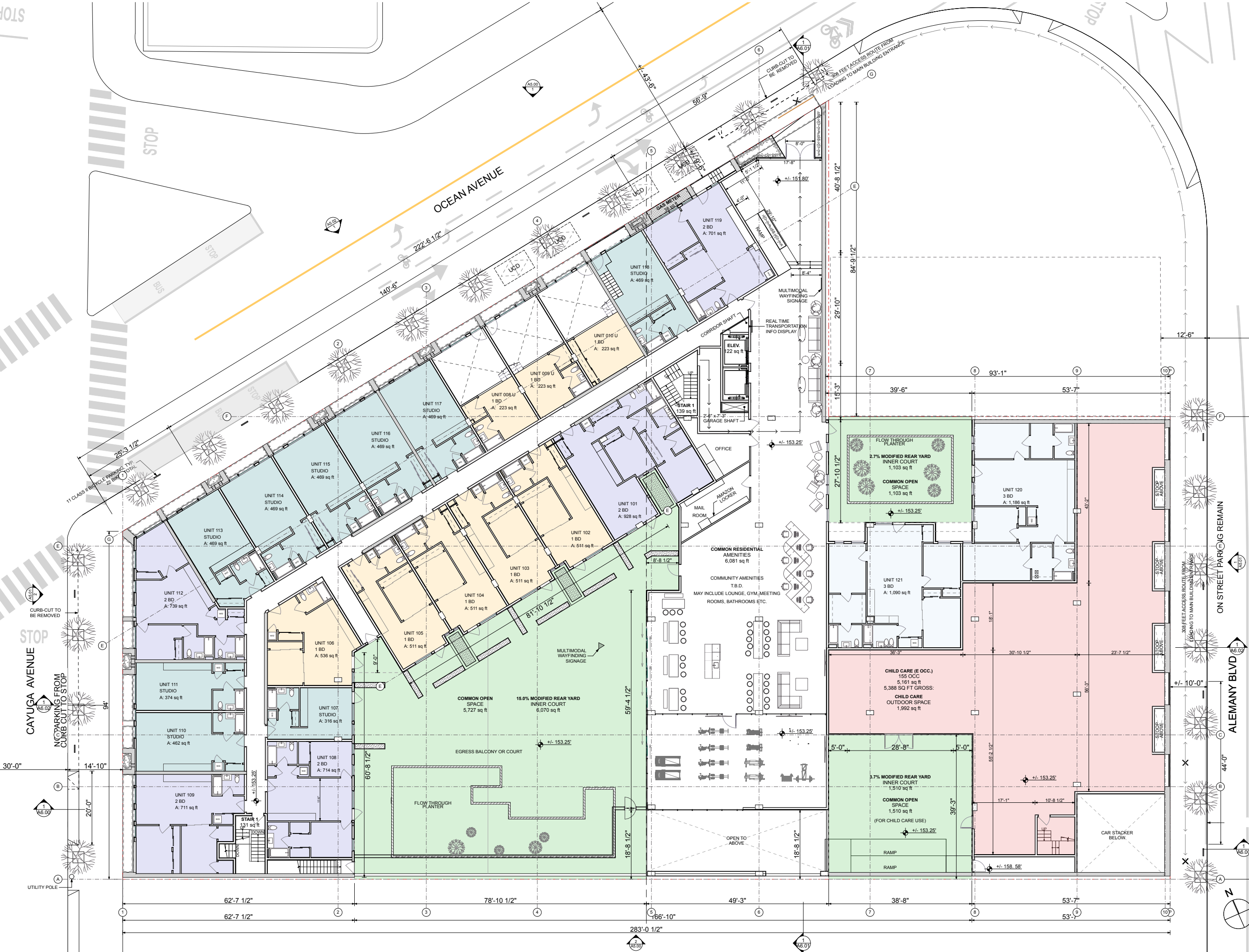


- STUDIO
- 1 BD
- 2 BD
- 3 BD
- BIKE PARKING
- PARKING



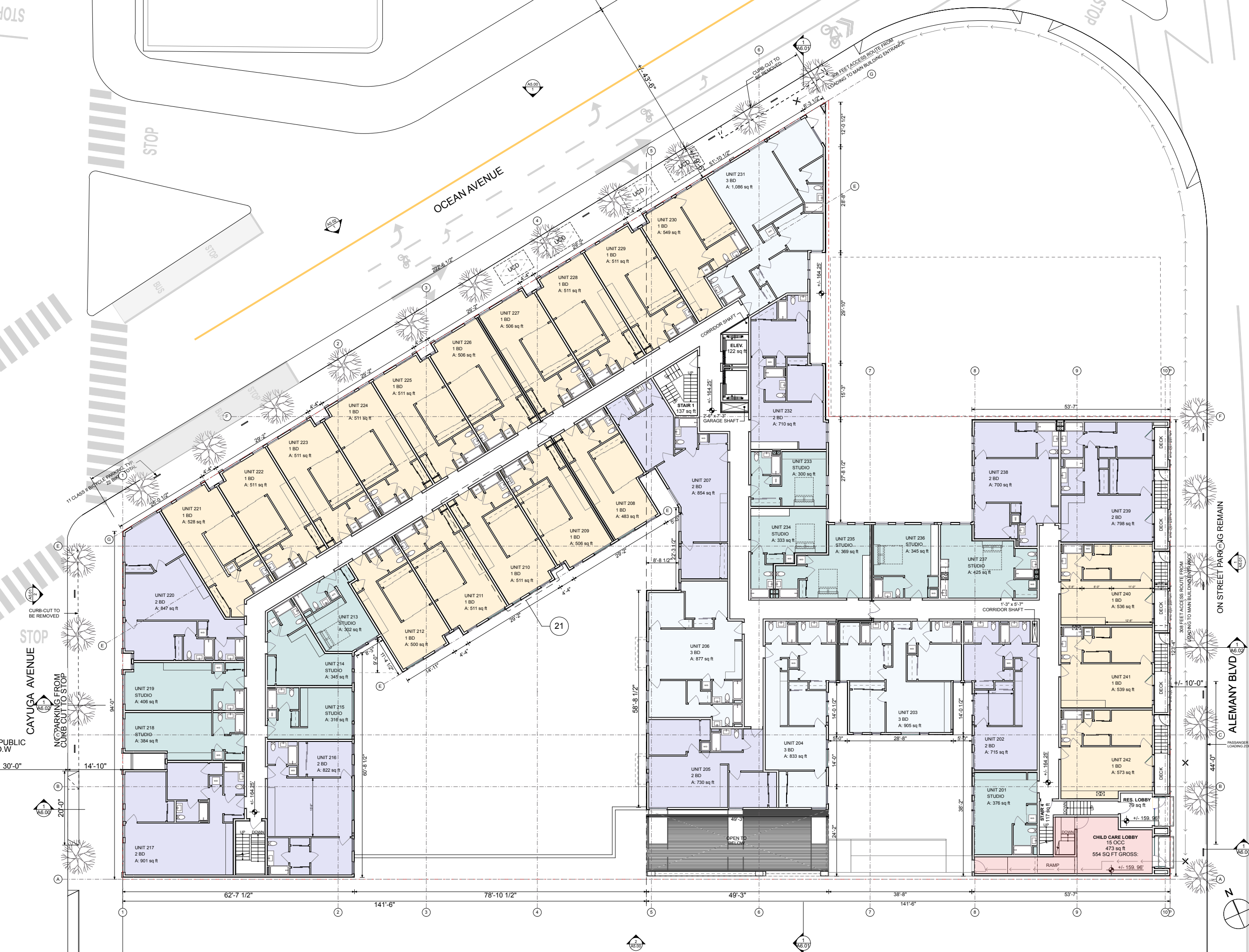
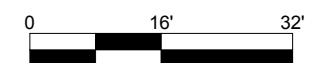


-  **STUDIO**
-  **1 BD**
-  **2 BD**
-  **3 BD**
-  **CHILD CARE**
-  **COMMON SPACE**





- STUDIO**
- 1 BD**
- 2 BD**
- 3 BD**
- CHILD CARE**
- COMMON SPACE**





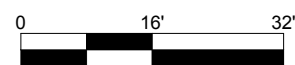


- STUDIO
- 1 BD
- 1 BD + DEN
- 2 BD
- 3 BD
- COMMON SPACE





- STUDIO
- 1 BD
- 1 BD + DEN
- 2 BD
- 3 BD
- COMMON SPACE

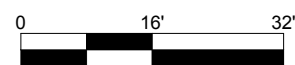










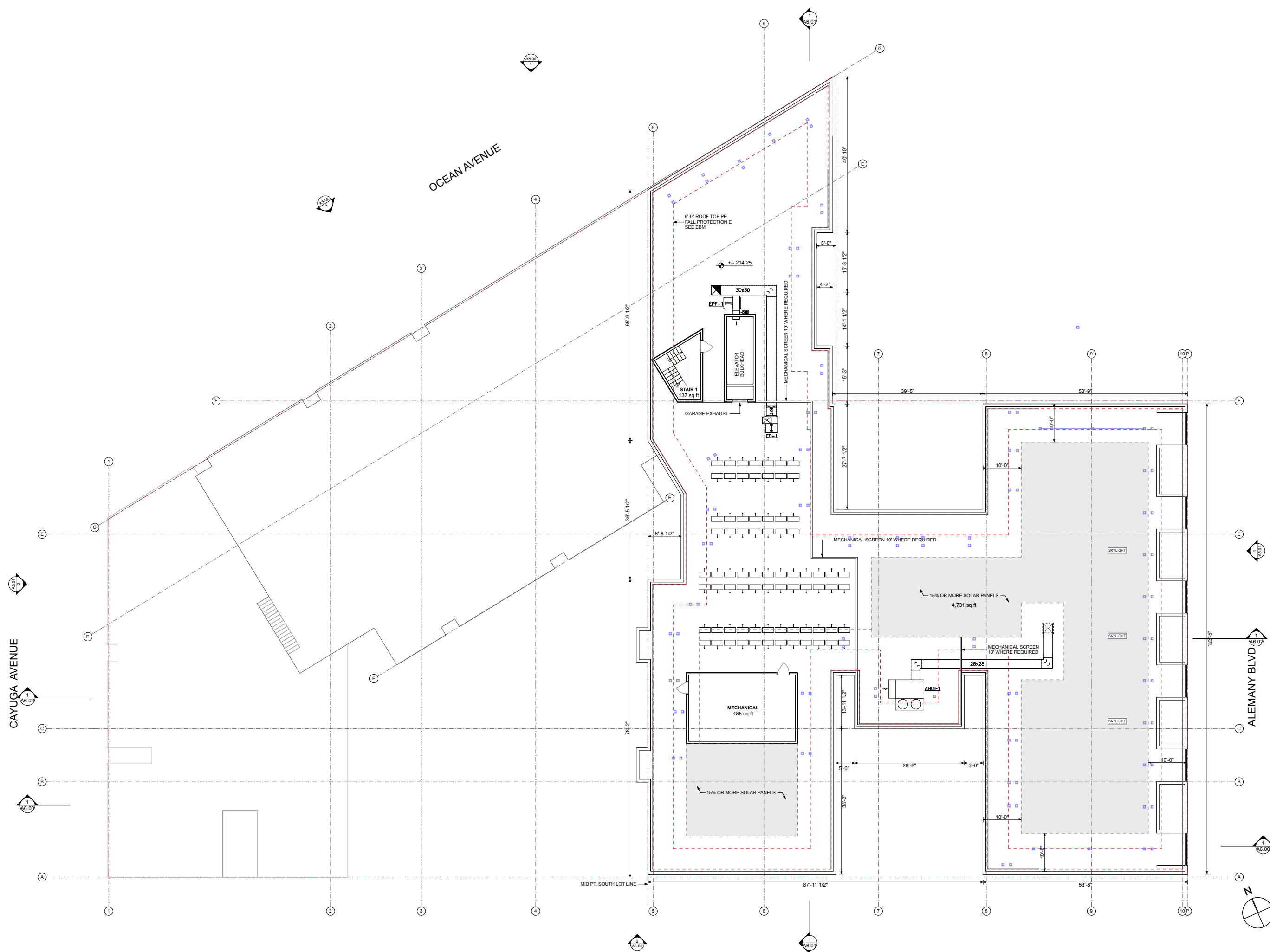
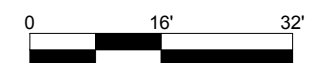




- STUDIO
- 1 BD
- 1 BD + DEN
- 2 BD
- 3 BD
- COMMON SPACE

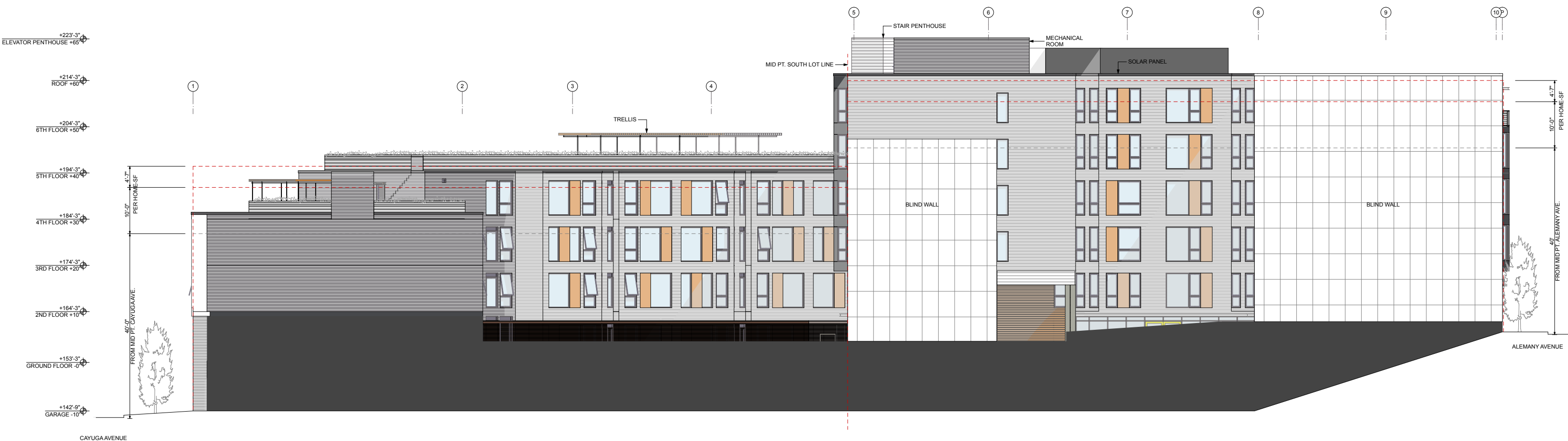


-  **STUDIO**
-  **1 BD**
-  **1 BD + DEN**
-  **2 BD**
-  **3 BD**
-  **COMMON SPACE**





NORTH ELEVATION 1" = 20'



SOUTH ELEVATION 1" = 20'





