



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: September 11, 2019
TO: San Francisco Planning Commission
FROM: Jeanie Poling, Senior Environmental Planner
RE: Appeal of Preliminary Mitigated Negative Declaration for 2417
Green Street, Assessor's Block 0560, Lot 028, Planning
Department Case No. 2017-002545ENV
HEARING DATE: September 19, 2019

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

2417 Green Street – 2,500-square-foot project site on the south side of Green Street between Pierce Street and Scott Street; Lot 028 of Assessor's Block 0560 – expansion of an existing single-family home. The project would lower building floor plates by approximately 2 feet, construct one- and three-story horizontal rear additions, and construct third and fourth floor vertical additions above a portion of the existing building. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet. A one-bedroom accessory dwelling unit measuring approximately 1,023 square feet would be added on the first floor. The project also proposes a partial excavation of the rear yard for a sunken terrace, façade alterations, interior modifications, and expansion of the existing basement level garage to accommodate one additional vehicle, for a total of two vehicle parking spaces. The project site is located in the RH-1 (Residential-House, One Family) Use District and the 40-X Height and Bulk District.

This matter is calendared for public hearing on September 19, 2019. Enclosed are the appeal executive summary, the draft appeal motion, the staff appeal response, the appeal letter, and the preliminary mitigated negative declaration/initial study. If you have any questions related to this project's environmental evaluation, please contact me at (415) 575-9072 or jeanie.poling@sfgov.org.

Thank you.

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SAN FRANCISCO PLANNING DEPARTMENT

Appeal of Mitigated Negative Declaration Executive Summary

HEARING DATE: September 19, 2019

Date: September 11, 2019
Case No.: 2017-002545ENV
Project Title: **2417 Green Street**
Zoning: RH-1 (Residential-House, One Family) District
40-X Height and Bulk District
Block/Lot: 0560/028
Lot Size: 2,500 square feet
Project Sponsor: Chris Durkin, 2417 Green Street, LLC
(415) 407-0487, cfdurkin@gmail.com
Staff Contact: Jeanie Poling – (415) 575-9072, jeanie.poling@sfgov.org

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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 project site is located on the south side of Green Street on the block bound by Green, Pierce, Scott, and Vallejo streets in the Pacific Heights neighborhood.

The 2,500-square-foot project site contains a vacant four-story single-family residential building constructed circa 1905. The residence encompasses the front (northern) two thirds of the lot. The property at its Green Street frontage slopes with an elevation of approximately 150 feet along the western (up slope) side to 145 feet along eastern (down-slope) side. The project would lower building floor plates by approximately 2 feet, construct one- and three-story horizontal rear additions, and construct third and fourth floor vertical additions above a portion of the existing building. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet. A one-bedroom accessory dwelling unit measuring approximately 1,023 square feet would be added on the first floor. The project also proposes a partial excavation of the rear yard for a sunken terrace, façade alterations, interior modifications, and expansion of the existing basement level garage to accommodate one additional vehicle, for a total of two vehicle parking spaces.

ISSUES:

The Planning Department published a preliminary mitigated negative declaration (PMND) on June 26, 2019, and received an appeal letter from Richard Drury of Lozeau Drury LLP on behalf of Philip Kaufman of 2421 Green Street on July 15, 2019, appealing the determination to issue a PMND. The appeal letter states that the PMND fails to adequately address the following issues:

1. An accurate description of the proposed project and permit violations;
2. Direct and indirect impacts on historic resources;
3. Consistency with land use plans;
4. Impacts related to the release of hazardous materials;
5. Project alternatives; and
6. The requirement for an environmental impact report.

During the PMND appeal period, an additional comment letter was received. All of the issues raised in the appeal letter and the comment letter have been addressed in the attached materials:

- A draft motion upholding the decision to issue a mitigated negative declaration;
- Exhibit A to the draft motion – Planning Department response to appeal of PMND;
- Exhibit B – PMND appeal letter;
- Exhibit C – PMND and initial study, as amended, with deletions shown in ~~striketrough~~ and additions shown in double underline; and
- Exhibit D – PMND comment letter

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the motion to uphold the mitigated negative declaration. The appellant has not demonstrated nor provided substantial evidence to support a claim that a significant environmental effect may occur as a result of the project that would warrant preparation of an environmental impact report. By upholding the mitigated negative declaration (as recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. [XXXX]

HEARING DATE: September 19, 2019

Case No.: 2017-002545ENV
Project Title: 2417 Green Street
Zoning: RH-1 [Residential-House, One Family] Use District
40-X Height and Bulk District
Block/Lot: 0560/028
Lot Size: 2,500 square feet
Project Sponsor: Chris Durkin, 2417 Green Street, LLC
(415) 407-0486, cfdurkin@gmail.com
Staff Contact: Jeanie Poling – (415) 575-9072
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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2017-002545ENV, FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 2417 GREEN STREET.

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 March 9, 2017, 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 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 June 26, 2019 the Department determined that the project, as proposed, could not have a significant effect on the environment.
3. On June 26, 2019 a notice of availability 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 preliminary mitigated negative declaration posted in the Department offices, and distributed all in accordance with law.
4. On July 15, 2019 an appeal of the decision to issue a mitigated negative declaration was timely filed by Richard Drury of Lozeau Drury LLP on behalf of Philip Kaufman of 2421 Green Street ("the appellant").
5. A staff memorandum, dated September 11, 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 Planning Commission, and a copy of that memorandum is

on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

6. On September 19, 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.
7. All points raised in the appeal of the preliminary mitigated negative declaration at the September 19, 2019 Planning Commission hearing have been responded to either in the memorandum or orally at the public hearing.
8. After consideration of the points raised by appellant, both in writing and at the September 19, 2019 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
9. 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.
10. The Planning Commission finds that Planning Department's determination on the mitigated negative declaration reflects the Department's independent judgment and analysis.

The San Francisco Planning Commission HEREBY DOES FIND that the 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 Planning Commission on September 19, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

EXHIBIT A

Planning Department Response to the PMND Appeal

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SAN FRANCISCO PLANNING DEPARTMENT

MEMO

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

Case No. 2017-002545ENV – 2417 Green Street

BACKGROUND

An environmental application (2017-002545ENV) for the proposed project at 2417 Green Street was filed with the planning department on behalf of 2417 Green Street, LLC, on April 28, 2017, to expand an existing four-story, approximately 4,118-square-foot single-family residence. The project, as currently proposed, would lower all floor plates by approximately 2 feet, construct one- and three-story horizontal rear additions, construct third and fourth floor vertical additions above a portion of the existing building, and add an accessory dwelling unit to the first floor. Project construction would also include a full structural and seismic upgrade. The project site is within the RH-1 (Residential-House, One Family) Use District use district, and is within a 40-X height and bulk district. The project would require the issuance of building permits by the building department and approval at a discretionary review hearing before the Planning Commission.

The planning department published a categorical exemption for the proposed project on May 16, 2017, which was appealed to the Board of Supervisors on January 9, 2018 by Richard Drury of Lozeau Drury LLP on behalf of Philip Kaufman of 2421 Green Street (the "Coxhead House," as referenced in the PMND and below). The Board upheld the appeal, and on February 6, 2018 adopted Motion No. M18-12, which stated, "[T]he Board finds that there is substantial evidence in the record before the Board that the Project proposed at 2417 Green Street presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the project may have a significant effect on the environment and, based on the facts presented to the Board of Supervisors at the hearing on January 9, 2018, the Project is therefore not Categorically Exempt from CEQA review."

In accordance with the above direction from the Board, the planning department conducted further analysis of the proposed project. The planning department found that new information submitted to the Board at the appeal hearing was inaccurate and misleading. In June 2018, the department issued another categorical exemption – a more detailed certificate instead of a checklist – for the project, which was revised to add an accessory dwelling unit. The same appellant, Mr. Drury on behalf of Mr. Kaufman, filed an appeal of the June 2018 categorical exemption, which the planning department determined was not timely because the approval action – the discretionary review hearing before this body – had not yet occurred.

In January 2019, the Environmental Review Officer rescinded the June 2018 categorical exemption and directed staff to prepare an initial study to evaluate potential impacts of the 2417 Green Street project. Based on additional analysis conducted by the department, and conclusions reached in the initial study, the department issued a preliminary mitigated negative declaration (PMND) on June 26, 2019.

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APPEAL FILED

On July 15, 2019, Richard Drury of Lozeau Drury LLP on behalf of Philip Kaufman of 2421 Green Street filed an appeal of the PMND (see Exhibit B).

PLANNING DEPARTMENT RESPONSES

Response 1 – The PMND includes an accurate description of the proposed project and permit violations. A history of permit violations does not necessitate an environmental impact report where all environmental impacts can be mitigated to a less-than-significant level.

The initial study summarizes the project history, including permit violations, on pages 2–6.

The proposed project includes expansion of the basement level garage to accommodate one additional vehicle, for a total of two vehicles, as reflected on the project plans submitted on June, 6, 2018. Although the garage would be large enough to accommodate more than two vehicle parking spaces, the project sponsor has indicated that he intends to increase parking to two parking spaces at project completion, and that any additional space in the garage would be used for storage. While the environmental review assumes that the project would include two parking spaces at completion, even if this number were to increase to three spaces, as asserted by the appellant, the environmental impact conclusions in the initial study would not change because the addition of one more vehicle parking space would be considered a very minor change to the project that would not result in any new environmental impacts. The initial study has been updated on page 2 to address this distinction.

While a history of permit violations is relevant to the planning and building departments' permit review, building permit violations in and of themselves do not indicate a significant impact on the environment. The appellant has not demonstrated that a history of permit violations necessitates the preparation of an environmental impact report where all potential environmental impacts can be mitigated to a less-than-significant level. The initial study provides a chronological accounting of the project's history, including permit violations; evaluates the proposed project's potential impacts to the environment; and recommends a specific, binding, and enforceable mitigation measure that would reduce any potential project impacts to a less-than-significant level. Given that the proposed project would not result in any significant unavoidable impacts (including significant unavoidable impacts related to permit violations), the department properly concluded that the appropriate document for the proposed project is a PMND.

The *Laurel Heights* case, cited by the appellant, discussed a project sponsor's prior history of hazardous materials violations, and concluded that such a history might be relevant in determining whether mitigations in the EIR were sufficient. There is no record of environmental violations at the project site related to hazardous materials; thus the *Laurel Heights* case is not relevant to the proposed project.

The above notwithstanding, the initial study determined that, given the history of building code violations associated with this project, combined with the concerns raised by the Board of Supervisors at the January 9, 2018 categorical exemption appeal hearing, future code violations during project construction could compromise the structural integrity of the adjacent Coxhead House foundation, and

the proposed project may thereby cause a significant effect on the environment with respect to geology and soils as well as to adjacent historic resources. (This topic is addressed further in Response 2a, below.)

CEQA Guidelines do not require the preparation of an EIR if a project's potential significant impacts would be reduced to a less-than-significant level through mitigation measures. Specifically, CEQA Guidelines section 15369.5 defines a mitigated negative declaration as follows:

“Mitigated negative declaration” means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or 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.

CEQA Guidelines section 15071(e) further states that mitigation measures may be included to avoid potentially significant effects, and CEQA Guidelines section 15074(d) states that when adopting a mitigated negative declaration, the agency shall also adopt a program for reporting on or monitoring a condition of approval to mitigate or avoid significant environmental impacts.

Because the project sponsor has agreed to implement Mitigation Measure M-GE-1, Ongoing Monitoring by and Coordination with the Planning Department and the Department of Building Inspections Prior to and During Construction, the initial study accurately and appropriately concluded that the project would not result in an adverse effect on the environment, and no EIR is required.

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration (which, in this case, is a mitigated negative declaration). CEQA Guidelines 15064(f)(5) offers the following guidance: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

The appellant has not provided substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project, either due to permit violations or any other project feature. The project proposes modification and expansion by less than 2,000 square feet of an existing single-family home, consisting of horizontal rear additions, vertical additions above the existing building, excavation of the rear yard, the addition of an accessory dwelling unit, façade alterations, and expansion of the basement level. Building expansion of less than 10,000 square feet is typically eligible for exemption from CEQA, and the planning department typically issues exemptions for similar projects that are unlikely to result in significant effects on the environment. Nevertheless, an initial study was prepared for this project in response to CEQA findings by the Board of Supervisors made at the categorical exemption appeal hearing, and to ensure that further construction activities on the site are closely coordinated between the project sponsor and planning and building departments and that

no further permitting violations occur. As stated on pages 63–64 of the initial study, and discussed under Response 2a, below, compliance with Mitigation Measure M-GE-1 would ensure the security and stability of the project site and adjacent properties by requiring ongoing coordination between all relevant parties (i.e., the sponsor’s design and construction team and the planning and building departments) and close monitoring by the planning and building departments throughout the construction process. Thus, with implementation of this mitigation measure, the project would result in no reasonable possibility of a significant effect on the environment.

Response 2 – The PMND adequately evaluates potentially significant direct and indirect impacts on historic resources.

- a. **The PMND correctly concluded that the proposed project would have no *direct* impacts on the Coxhead House’s structural integrity.**

Project’s compliance with all applicable ordinances (as required by law), in combination with implementation of Mitigation Measure M-GE-1, would ensure that it would be constructed safely and without any direct effects on the adjacent historic Coxhead House foundation. The appellant states that improper construction methods would directly impact the foundation of the adjacent Coxhead House. Impacts on adjacent historic resources are addressed under Impact CR-1 in the initial study. On pages 17–22, under “Adjacent Historic Resources,” the initial study identifies historic resources in the immediate surroundings of the project site and addresses potential direct impacts to those resources. As concluded by the initial study, the structural integrity of the Coxhead House would be maintained by following the building permit review process described on initial study pages 60–61, and therefore no direct impacts to adjacent historical resources would occur.

Given the Board of Supervisors’ concerns and the fact that the project sponsor has in the past directed work on the project site beyond what was permitted by the building department, the initial study includes Mitigation Measure M-GE-1, Ongoing Monitoring by and Coordination with the Planning Department and the Department of Building Inspections Prior to and During Construction. As cited on pages 18–19, this mitigation measure would require close coordination between the project sponsor, the planning department, and the building department while the building department conducts its review of structural plans, and a comprehensive monitoring program throughout construction to ensure that the project sponsor would comply with all building and planning code requirements. The initial study properly concludes that this mitigation measure would reduce any potential direct impacts to adjacent historic resources to a less-than-significant level.

Due to concerns raised in the Board of Supervisors CEQA findings of the categorical exemption appeal, the planning department coordinated with the building department during the preparation of the initial study to have the building department staff review a 2017 preliminary geotechnical report submitted for the project. The purpose of this coordination was to ensure that the project could be generally constructed as proposed, although this review did not constitute and was not intended to be a full structural review of the project by the building

department. The building department made recommendations that were reflected in a revised geotechnical report.¹ Thus, the initial study concludes that the proposed project can be constructed as proposed (e.g., no geological or geotechnical hazards exist on the project site that would otherwise prevent the project from being implemented), and that specific construction details would be worked out between the sponsor's design and construction team and the building department after the structural plans are submitted to the building department, pursuant to the building code and the building department's standard practices.

The Department of Building Inspection cannot review structural plans until after the site plan is issued; however, the project can be generally constructed as proposed and none of the arguments included in Attachment 1 to the appeal letter (authored by the appellant's geotechnical engineer) present a fair argument that a significant direct impact to the Coxhead House would occur. Building code section 106A.3.4.2 states that a site permit must be issued prior to the submittal of the first addendum; thus, the building department cannot review structural plans until after the site permit is issued (and the planning department's environmental review and plan check review are completed).² This code requirement allows permit applicants to avoid expending money unnecessarily on preparing structural plans that could become obsolete if the site permit is disapproved or if the project is modified during the site permitting process.

During the building department's review of the final geotechnical report and structural plans, it is unlikely that the building department would require a full independent and physical analysis of the Coxhead House's foundation because the site plans show that the proposed project would not touch the Coxhead House foundation; however, this determination would be made by the building department during its review of the structural plans.

Consistent with the standard building department review and approval process, the project sponsor's engineer of record would maintain some flexibility to determine the most safe and appropriate "means and methods" of constructing the project. However, pursuant to Mitigation Measure M-GE-1, building department staff would establish specific milestones at which they would coordinate with the sponsor's design and construction team (as well as with the planning department) to ensure structural stability and safety.

Attachment 1 to the appeal letter is a letter from the appellant's geotechnical engineer, Lawrence B. Karp, to the building department regarding its preliminary review of the geotechnical report. Several of Mr. Karp's points are addressed as follows:

¹ Divis Consulting, Inc., Geotechnical Report and Geologic Hazard Study, 2417 Green Street, San Francisco, California, April 25, 2019.

² As stated in building code section 106A.3.4.2, "A site permit may be issued for the construction or major alteration, as that term is defined by the Building Official, of a building or structure upon approval of preliminary drawings and before the entire working drawings and specifications of the building or structure have been completed and submitted for approval...Site Permit must be issued prior to submittal of 1st addendum."

- As discussed on page 65 of the initial study, the appellant had previously called out a detail on a foundation replacement permit drawing that the appellant believed showed that the proposed project would be anchored to the Coxhead House foundation (see Figure 14 of the PMND). The building department and the project sponsor reviewed the drawing and clarified that, in fact, the foundations of the 2417 Green Street structure and the Coxhead House would not touch or be anchored to each other in any way. Furthermore, the foundation replacement work that included the cited drawing has been suspended pending CEQA clearance and discretionary review, and would be superseded by the structural plans for the building expansion permit, which would be submitted to the building department if the site permit is approved by the planning department. The prior ambiguity associated with that line, which has now been clarified, does not constitute substantial evidence of a fair argument.
- Mr. Karp states that the location of the project on a steep slope necessitates a geotechnical investigation and topographical survey in order to ensure that the foundation of the Coxhead House would not be impacted. This statement does not establish a fair argument of a significant impact because all additional necessary geotechnical investigations and surveys are required by the building code to be submitted after issuance of the site permit, and the project's structural plans cannot be approved unless they comply with all applicable code requirements. The fact that investigations and surveys done to Mr. Karp's satisfaction have not been completed is not a ground for requiring an EIR.
- Mr. Karp states that the geotechnical report is not a sufficient "investigation." But the main objectives of a preliminary geotechnical report are to assess project site conditions and establish general construction constraints; they are not to prescribe detailed requirements for how construction should occur. Pursuant to the building code, a more detailed investigation must be submitted after the site permit is issued, and any threat to the Coxhead House foundation would be addressed through the building permit review process. Issues related to structural stability and safety are solvable and would be addressed through compliance with the building code.
- Mr. Karp states that there are no specific underpinning, shoring, and excavation recommendations in the April 25, 2019 Divis Report. As explained above, this report is intended to assess project site conditions and establish general construction constraints, not to prescribe detailed construction requirements. Such issues would be fully addressed and resolved when the building department reviews structural drawings, pursuant to the standard building department permit review process. The project would not be allowed to proceed unless it complies with all structural requirements of the building code, which are under the purview of the building department. Compliance with building code requirements is not part of the planning department's review process and is not addressed in the CEQA review process.

In summary, the building department's review of the structural plans would ensure that all building code requirements are met, and any potential technical issues, including but not limited to requirements for geotechnical investigations, topographical surveys, and underpinning, shoring and excavation requirements, are fully addressed before any potential impact on the Coxhead House could occur. Therefore, none of the issues raised in Attachment 1 to the appeal letter constitute a fair argument that a significant effect exists.

The project site is not subject to the Slope Protection Act; this has been clarified in the amended initial study and does not change the conclusions presented in the initial study. The project is subject to building code requirements that were in place at the time that the building expansion permit was filed. As stated in San Francisco Building Code section 101A.4.1:

Only those standards approved by the California Building Standards Commission and code amendments, additions or deletions adopted by the City and County of San Francisco that are effective at the time an application for building permit is deemed acceptable for building plan review by the Department of Building Inspection shall apply to the plans and specifications for, and to the construction performed under, that permit.

The building expansion project that is the subject of this environmental review is described in Building Permit Application No. 201704285244 and is subject to the building code as it existed on April 28, 2018 – the date the complete permit application was accepted by the building department. The planning department consulted with the building department throughout the preparation of the initial study and this appeal response, and building department staff determined during the appeal response preparation that, contrary to what is stated in the PMND, the project is not subject to the Slope Protection Act. The error stemmed from building department staff misinterpreting “Areas of potential landslide hazard” as shown on the 1974 Blume map (within which the project site is located) as being subject to the Slope Protection Act. After the building department staff conducted further review, it determined that only areas designated as being within “Outlines of slide area” are subject to the Slope Protection Act. As demonstrated in footnotes 83 and 84 on page 60 in the amended initial study, the project site is not located in an area with such designation. Accordingly, the initial study on page 60 has been amended to accurately describe the requirements of the building code to which the project is subject. Nevertheless, as discussed on page 60 of the initial study, the building department, during its review of the project's structural plans, may request assistance of a structural design reviewer to provide additional and specialized expertise to supplement its plan review. The structural design reviewer would meet with the project sponsor's engineer of record and with building department staff as the need arises throughout the design process.

In general, the installation of a foundation on a sloped lot, as proposed by the project, is not unusual in San Francisco. Moreover, despite the appellant's assertion to the contrary, both the planning and building departments are independent and do not advocate for projects but instead are tasked with ensuring that projects comply with all applicable planning and building code requirements, respectively, and that they receive adequate and complete review under CEQA. As discussed above, the protection of the adjacent foundation would be ensured

through compliance with the building code after the project sponsor submits structural plans to the building department. The appellant has not provided substantial evidence supporting a fair argument that the project would cause a substantial adverse change in the significance of a historical resource, and the conclusions reached in the initial study remain valid. Thus, the project would not result in a significant unavoidable impact on adjacent historic resources.

The mitigation measure included in the PMND is adequate, appropriate, and enforceable, and the PMND does not improperly defer mitigation. If the project is ultimately approved, Mitigation Measure M-GE-1, Ongoing Monitoring By and Coordination with the Planning Department and the Department of Building Inspections Prior to and During Construction, would become one of the project's conditions of approval. This mitigation measure establishes a legally binding and fully enforceable comprehensive monitoring program while the building department conducts its review of structural plans and during project construction. Pursuant to ongoing coordination between the planning and building departments, Mitigation Measure M-GE-1 has been amended as follows to clarify the requirements for documentation and reporting of anticipated construction milestones, although its core substance remains as was reported in the PMND prior to amendment:

Mitigation Measure M-GE-1: Ongoing Monitoring By and Coordination with the Planning Department and the Department of Building Inspections Prior to and During the Construction Phase Regarding Compliance with Geotechnical Requirements. Pursuant to the San Francisco Department of Building Inspection process, the project sponsor (and their design and construction team, geotechnical engineer, and contractor, as applicable) ~~will~~ shall be subject to ongoing monitoring by and coordination requirements with the planning department and the building department regarding plan check reviews and building inspections prior to and during construction work. ~~This process will include the following requirements:~~

- ~~• Prior to commencement of construction, the project sponsor shall submit to the planning department and building department a report outlining anticipated construction milestones with corresponding (approximate) dates of reaching those milestones as well and all memoranda and/or reports anticipated to be prepared or approved at those milestones. The report shall address how all code requirements will be met, including responsible parties and the city agency providing oversight. The report shall be reviewed and approved by the planning department and the building department prior to commencement of construction.~~
- ~~• Once construction commences, the sponsor shall notify the planning department and the building department (when coordination with the building department is not already included as typical part of the process) when the above milestones have been reached and their outcomes. Specifically, all memoranda and/or reports issued at times of those milestones shall be provided to the planning department and the building department.~~

In conjunction with its submittal of structural plans, the project sponsor shall submit to the building department construction documents that identify anticipated significant construction milestones when a field report and/or memorandum by the engineer(s) of record shall be submitted to the planning and building departments. The building department shall review and determine whether to approve the list of significant reporting milestones as part of its approval of structural plans.

The engineer(s) of record shall notify the planning and building departments when milestones indicated on the construction documents have been reached, and their outcomes. Specifically, the project sponsor's engineer of record shall submit field reports and/or memoranda documenting each milestone to the planning and building departments.

Pursuant to planning department policy, any memoranda and/or reports prepared by the project sponsor and/or a consultant working for the project sponsor shall adhere to the planning department's protocols of objectivity.

Structural and geotechnical observation and inspection shall be provided onsite during construction.

As discussed on pages 59–60 of the initial study, under the site permitting process, prior to submittal and the building department's review and approval of structural plans, the planning department must approve a project's site plans. The planning department, in turn, cannot approve the site permit for this project until the CEQA process is complete regardless of whether the project is cleared through exemption, a mitigated negative declaration, or an EIR. In other words, the planning department must complete the CEQA review process, including the imposition of any mitigation measures, prior to approval of the project by the planning department and the subsequent review of detailed structural plans by the building department. Mitigation Measure M-GE-1 requires that significant reporting milestones be identified and met to the satisfaction of the building and planning departments in order for the project to proceed. Thus, mitigation is not being deferred. It is not possible for the project sponsor or the building department to provide any more specificity in this mitigation measure because the milestones specified in this measure would depend upon the structural plans, which have not been (and cannot be) submitted to the building department until the planning department approves the site permits.

The project sponsor has agreed to implement Mitigation Measure M-GE-1, and, as noted above, a mitigation monitoring and reporting program would be included in the planning approval documents as a condition of approval. All such conditions of approval become requirements of the planning code, and failure to comply with any such condition constitutes a violation of the provisions of the code. Thus, the mitigation measure is fully enforceable.

- b. **The PMND adequately evaluates potentially significant *indirect* historic resource impacts on the adjacent Coxhead House.** Under Impact CR-1, the initial study acknowledges that the Coxhead House is a historic resource. There is no active project at the Coxhead House that is the subject of this environmental review, and thus the initial study does not need to include an in-depth discussion or description of its historic significance nor identify its character-defining features. However, planning staff prepared a historic resource evaluation response (dated May 31, 2019) that confirms and further establishes the Coxhead House's significance associated with the life and work of Ernest Coxhead and as an outstanding example of the First Bay Tradition architectural style. Staff also reviewed the National Register of Historic Places nomination form to better understand the building's significance and any potential physical features associated with this significance. The building's architectural significance is generally illustrated through its three-story, wood-frame structure, rectangular plan, red cedar shingle cladding, steeply pitched roofs, articulated dormers, and ribbons of windows facing the San Francisco Bay and neighboring rear yards. Staff determined that the proposed project would not cause any direct impacts to the building as no physical alterations would occur to the Coxhead House (see Response 2a, above).

Staff also reviewed the potential for *indirect* impacts to the Coxhead House. This review analyzed the proposed project's potential impact(s) to the setting of the Coxhead House. The national register nomination form states that the original design intent of the residence was to take advantage of the view(s) from the eastern, western, and northern elevations and to include a rear yard that creates a "park-like" setting. However, the overall setting surrounding the property has changed since initial construction of the Coxhead House: large residences have been constructed on adjacent lots with a pattern of open space that is based on historical development patterns and on rear yard requirements, thereby modifying the surrounding setting of the historic resource. Staff determined that while the proposed project may alter the amount of direct sunlight on the rear garden of the Coxhead House, it would not diminish or alter the "park-like" setting at the rear such that there would be an indirect impact to the historic resource. The initial study appropriately evaluates the proposed project at 2417 Green Street and concludes that it would not change the Coxhead House's historic significance.

The initial study on page 16 cites CEQA Guidelines 15064.5(b)(2), which states that the significance of a historic resource is "materially impaired" when a project "materially alters, in an adverse manner, those physical characteristics that convey the historical resource's historical significance..." The initial study appropriately identifies the Coxhead House as a private residence and notes that that, regardless of its historic status, the alteration of private views from this property does not constitute a significant impact under CEQA.

The initial study, under "Potential Indirect Impacts to Adjacent Historic Resources," evaluates the project's impacts on its immediate surroundings and concludes that while the proposed project's rear expansion would be visible from adjacent historic resources, it would not physically or materially impact either resource such that they would no longer be able to convey their architectural significance. It is a fact and not an opinion that changes in views from a private residence and views of the portion of the historic resource that are not visible from the public

right-of-way are not subject to CEQA because they are not considered to be impacts on the physical environment.

The national register nomination form states that the intent of the original design of 2421 Green Street was to take advantage of the views; however, under CEQA, views from a residence are generally not considered a character-defining feature of a historical resource. As discussed in the initial study on pages 19–21, under “Potential Indirect Impacts to Adjacent Historic Resources,” the proposed project would not demolish or physically alter the Coxhead House, and would not otherwise impact the Coxhead House such that it would no longer be able to convey its significance as understood from the public right-of-way. Additionally, for the same reason, the proposed project would not impact the eligibility of the Coxhead House for inclusion in any local, state, or national register.

Thus, the initial study appropriately analyzed indirect impacts on the adjacent historic resource. The appellant has not provided substantial evidence supporting a fair argument that a significant environmental effect related to indirect impacts on the adjacent historic resource may occur as a result of the project.

Response 3 – CEQA review is separate from the department’s review of the project for consistency with local land use plans. Compatibility with existing zoning and plans is addressed on pages 7–9 of the initial study. The planning department conducts environmental review separately and independently from its review of the project’s consistency with design guidelines. The project’s compliance with the Cow Hollow Neighborhood Design Guidelines, zoning regulations, and accessory dwelling unit legislation would be reviewed as part of the overall planning code plan check and would be addressed during the plan check and discretionary review process.

Land use impacts could be considered significant if a proposed project conflicts with any plan, policy, or regulation adopted for the purpose of avoiding an environmental effect. However, a conflict with a plan, policy, or regulation adopted for the purpose of mitigating an environmental effect does not necessarily indicate a significant effect on the environment. The proposed project would result in an expansion of an existing residence and an addition of an accessory dwelling unit to the city housing stock; thus, the project would be consistent with the land use policies outlined in the San Francisco General Plan, including promoting infill development, providing new housing, and concentrating more intense development near transit services. Moreover, the proposed residential use is permitted by city code and plans applicable to the area, and the project would be within the applicable bulk limits. Thus, as discussed under Impact LU-2 of the initial study, the proposed project would not result in adverse physical changes in the environment related to conflicts with any plan, policy, or regulation adopted for the purpose of avoiding an environmental effect.

Response 4 – The PMND appropriately analyzes hazardous materials. As discussed under Impact HZ-2 on initial study pages 70–73, the project is in compliance with San Francisco Health Code Chapter 22A (the Maher ordinance). The project site is on the Maher map because it is within 100 feet of a former underground storage tank. However, the site was reviewed by the health department and determined eligible for a waiver from Maher ordinance requirements. The health department waived Maher ordinance requirements because the property has been continuously zoned as residential since 1921,

has been in residential use since that time, and no evidence has been presented to create a reasonable belief that the soil and/or groundwater may contain hazardous substances. Nevertheless, in response to the Board of Supervisors' CEQA findings on the categorical exemption appeal and because the health department employee used a potentially misleading stamp on the back of a building permit (as discussed on pages 72–73 of the initial study), the health department, in an abundance of caution, requested soil and/or groundwater sampling and testing at the project site.

As discussed on page 72 of the initial study, the health department issued a letter on March 13, 2019, confirming that the soil testing locations are appropriate and that none of the constituents in the soil exceed hazardous waste levels or water quality environmental screening levels, except arsenic, which was found to be within background levels commonly present in Bay Area soil. There is no fair argument that the project is underlain by contaminated soil or groundwater, and the appellant has provided no substantial evidence to support its argument to the contrary. Thus, the initial study appropriately concluded that impacts related to subsurface hazardous materials would be less than significant.

Response 5 – The PMND is not required to include project alternatives or to require reduction of project size or scope. If an initial study identifies significant, unavoidable impacts that cannot be reduced to less than significant with mitigation, then an EIR must be prepared. The initial study for the proposed project identifies potentially significant impacts related to geology and soils and offsite historic resources that would be reduced to a less-than-significant level with incorporation of a mitigation measure (M-GE-1). Given that no significant, unavoidable impacts would occur, a mitigated negative declaration was properly prepared and an EIR containing project alternatives is not required.

The environmental planning division of the planning department conducts environmental review of projects that are submitted by project sponsors. In compliance with CEQA, the environmental planning staff conducted an independent and thorough investigation of all potentially significant impacts and prepared a PMND/initial study for public review. Consideration of alternatives to the proposed project, including reduction of project size or scope, is not required when a mitigated negative declaration is prepared; however, during discretionary review, the Planning Commission may consider whether changes should be made to the project that could reduce non-CEQA effects, such as views from the Coxhead house.

Response 6 – The Board of Supervisors did not direct the planning department to prepare an EIR. The Board of Supervisors, in its CEQA findings during the categorical exemption appeal, stated “based on the facts presented to the Board of Supervisors on the hearing on January 9, 2018, the Project is therefore not Categorically Exempt from CEQA review.”³ The Board did not direct the planning department to prepare an EIR, but rather to conduct additional environmental review to analyze the project's impacts related to historical resources, geology and soils, and hazardous materials. As detailed in the initial study, the department conducted further environmental review as directed by the Board and concluded that no significant and unavoidable impacts would occur and that, with incorporation of Mitigation Measure M-GE-1, all potentially significant impacts associated with the proposed project could be reduced to a less-than-significant level. Therefore, no EIR is required.

³ Available at <https://sfgov.legistar.com/View.ashx?M=F&ID=5792879&GUID=75361D57-546D-41F0-B0A3-D11B6083C3D2>

COMMENT LETTER ON THE PMND, IN ADDITION TO THE APPEAL

On June 26, 2019, the planning department issued a notice of availability of and intent to adopt a mitigated negative declaration to owners and residents of properties within 300 feet of the project site, neighborhood groups, and interested parties. On July 15, 2015, the planning department received a comment letter on the preliminary mitigated negative declaration from a neighbor voicing concerns about the project's impacts related to geological stability and subterranean water flows in combination with a proposed development project across the street at 2452 Green Street.

As discussed under Impact GE-1 on pages 60–66, to ensure that the potential for adverse effects related to geology and soils is adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the California Building Code and the San Francisco Building Code, which is the state building code plus local amendments that supplement the state code. Furthermore, compliance with Mitigation Measure M-GE-1 would ensure the security and stability of the project site and adjacent properties.

As addressed under Impact C-GE-1 on page 67, 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. Thus, 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.

As discussed under “Control of Groundwater” on page 63, pursuant to City code requirements, the final design will include measures to intercept groundwater where it may impact the proposed construction, using methods such as drainage behind retaining walls, under-slab-drainage, French drains and area drains, and waterproofing. Any required waterproofing system will be designed and inspected by the architect and/or engineer of record and shall be reviewed and approved by the building department. If groundwater, or evidence of groundwater, is encountered during construction, the contractor will notify the geotechnical consultant to evaluate whether additional measures are required to control the flow of groundwater at the site. Where collected, groundwater will be discharged to a suitable collection point.

As addressed under Impact C-HY-1 on page 70, the proposed project and all future projects within San Francisco would be required to comply with the water quality and drainage control requirements that apply to all land use development projects within the city. Since all development projects would be required to follow the same regulations as the proposed project, the implementation of new, conforming development projects, peak stormwater drainage rates and volumes resulting from design storms would be expected to decrease gradually over time relative to existing peak flows. Moreover, all development projects would be required to comply with the same drainage, dewatering, and water quality regulations as the proposed project. As a result, cumulative effects related to drainage patterns, water quality, stormwater runoff, stormwater capacity of the combined sewer system and groundwater supply and quality would be less than significant.

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Exhibit B

PMND Appeal Letter

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July 15, 2019

Via Hand Delivery and Email

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RECEIVED

JUL 15 2019

**CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
ENVIRONMENTAL PLANNING**

**Re: 2417 Green Street: Appeal of Preliminary Mitigated Negative Declaration
(2017-002545ENV)**

Dear Ms. Gibson:

Please accept this appeal of the San Francisco Planning Department's June 26, 2019 determination of no significant effect on the environment pursuant to the California Environmental Quality Act ("CEQA"). This appeal is submitted on behalf of Philip Kaufman of 2421 Green Street (the "Coxhead House") in response to the preliminary mitigated negative declaration ("PMND") prepared for the proposed project at 2417 Green Street ("Project"). This appeal is accompanied by the required filing fee.

Mr. Kaufman intends to submit additional comments in the coming weeks. The Planning Department provided just 20 days for public review of the PMND, over a major holiday weekend, preventing Mr. Kaufman's experts from fully responding by the deadline.

A. PROJECT DESCRIPTION

The Project would lower all floor plates by approximately 2 feet; construct one- and three-story horizontal rear additions; and construct third and fourth floor vertical additions above the existing single-family dwelling. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet and would include a one-bedroom accessory dwelling unit measuring approximately 1,023 square feet on the first floor. The Project also proposes the partial excavation of the rear yard for a sunken terrace, façade alternations, and interior modifications, including the underground expansion toward 2421 Green of the existing basement level garage to accommodate three additional vehicles.¹ Finally, "the property is on an approximately 24 percent slope," and would require "excavation of approximately 408 cubic yards of soil and rock to a depth of 13 feet below grade."²

¹ Although the Project application states that the garage is intended to accommodate two cars, the large expansion creates space for up to four cars.

² Second exemption under CEQA at p. 1-2.

1. Project History

From the start, both the City's Department of Building Inspection ("DBI") and the Planning Department failed to communicate on this Project regarding various permit and reporting requirements. Then separately, each department appeared to cut corners in order to fast track the proposed Project, resulting in a lack of communication between the two departments which resulted in legally and factually deficient project documentation that persists to this day.

- On May 16, 2017, the Planning Department issued a categorical exemption (2017-002545ENV) for a proposed excavation/addition project for "Alterations to an existing four-story-over-basement, single-family residence with one vehicle parking space; excavate to add two vehicle parking spaces; three-story rear addition; facade alterations and foundation replacement; lower existing building."
- On May 18, 2017, the Department of Building Inspection ("DBI") issued a permit for "Partial deteriorated basement wall and foundation replacement with new landscaping site wall at backyard."³ DBI noted that the foundation work did not require planning department approval, and thus did not send the permit to the planning department for review.
- On September 27, 2017, DBI determined that the scope of work occurring at the Project site warranted review by the Planning Department. The Planning Department in turn determined that the Project was subject to San Francisco Planning Code section 311 neighborhood notification, which had not yet been completed. This is because the excavation of a rear retaining wall aligned with the proposed foundation of a proposed horizontal rear addition."
- On October 10, 2017, the Planning Department determined that the May 16, 2017 categorical exemption covered existing excavation work, thus the Planning Department signed off on all excavation work "below the existing building without the side wall of the proposed rear addition."
- On October 23, 2017, the Planning Department issued neighborhood notification pursuant to Planning Code section 311 for the proposed horizontal rear expansion under.
- On November 3, 2017, DBI issued BPA #201710020114 for legalization of the excavation work.
- On November 17, 2017, Mr. Kaufman appealed the May 16, 2017 categorical exemption (categorical exemption No. 1) to the San Francisco Board of Supervisors.

³ Permit No. BPA #201705116316.

- On January 9, 2018, the San Francisco Board of Supervisors voted unanimously “reversing the determination by the Planning Department that the proposed Project at 2417 Green Street is categorically exempt from further environmental review.”
- On February 6, 2018, after considering expert evidence and public testimony, the Board of Supervisors again voted unanimously, finding that the proposed Project “presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the project may have a significant effect on the environment ... therefore the project is not categorically exempt from CEQA.”⁴
- On June 22, 2018, the Planning Department issued a second categorical exemption to CEQA despite the Board of Supervisors unanimous vote holding the Project subject to CEQA review.
- On July 20, 2018, Mr. Kaufman appealed the June 22, 2018 categorical exemption (categorical exemption No. 2) to the San Francisco Board of Supervisors.
- On July 30, 2018, the Planning Department determined Mr. Kaufman’s appeal of the second categorical exemption was not ripe because the Planning Commission had not made a final determination on the Project.
- On January 15, 2019, the Planning Department withdrew its second categorical exemption and commenced an initial study of the proposed Project.
- On June 26, 2019, the Planning Department issued a preliminary mitigated negative declaration, the subject of this appeal.

2. Project Permitting, Notices of Violation and Stop Work Orders

Throughout the City’s project approval process the developer conducted unpermitted work or violated existing permits leading to at least five formal notices of violation (NOVs).

- On September 27, 2017, DBI received a complaint⁵ that the developer was “Working beyond the scope of its permit.”⁶ DBI contacted the Planning Department which in turn determined that aspects of the Project was subject to San Francisco Planning Code section 311 neighborhood notification, which had not yet been completed.
- On October 2, 2017, the planning department opened enforcement action in response to the September 27, 2017 complaint.

⁴ Motion M18-012, pp. 3-4 (amended February 6, 2018).

⁵ DBI Complaint No. 201708032.

⁶ BPA Permit No. 201705116316.

- On December 12, 2017, DBI issued a formal NOV, citing the developer for engaging in “WORK WITHOUT PERMIT” and “WORK BEYOND SCOPE OF PERMIT.” The NOV was based on unpermitted work on December 10, 2017, when the developer removed a highly visible exterior chimney at 2417 Green.
- On December 13, 2017, the developer unlawfully removed a second exterior chimney at the rear of the house – leaving two gaping holes in the roof of the property.
- On Saturday, December 16, 2017, the developer conducted demolition activities in the foundation of the property, which was unlawful due to a pending CEQA appeal, which challenged the permit allowing foundation work.
- DBI sent an emergency inspector to stop work that day, then DBI issued a formal NOV ordering the developer to “STOP ALL WORK.”
- On January 8, 2018, the City issued a Notice of Violation directing the developer to repair illegal holes made in the roof of the property.
- On January 9, 2018, the City issued a Notice of Violation Final Warning when the developer failed to repair the unlawful damage to the home.
- On April 13, 2018, the City Department of Building Inspection, Code Enforcement Division issued a notice of Order of Abatement that the building was UNSAFE and/or a PUBLIC NUISANCE” due to failure to remedy past violations.
- On February 7, 2019, the City posted yet another NOV for failure to comply with the City’s vacant or abandoned building ordinance.

The long line of NOV’s shows the developer allowed the property to fall into an irreversible state of disrepair, creating a “public nuisance.” This long-vacant building is plagued by rain, mold, and other forms of dilapidation, and has windows or doors that slam open and shut on windy nights, disturbing the sleep of neighbors.

In addition, the history of violations is relevant under CEQA. According to the California Supreme Court, **“A project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR.”**⁷ Given the Project’s history of environmental violations, decision makers and the public are entitled to full environmental review in an EIR that would include, among other things, specific, binding, and enforceable mitigation measures imposed through a full CEQA process not reliant on the developer’s promises that all necessary safeguards will occur.

⁷ *Laurel Heights Improvement Assoc. v. Regents of the Univ. of Calif.*, 47 Cal.3d 376, 420 (1988).

B. LEGAL STANDARD

1. California Environmental Quality Act

The ‘foremost principle’ in interpreting CEQA is that it must be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.⁸ CEQA requires agencies to conduct a three-tier process to ensure that the environmental consequences of their decisions are fully considered.⁹ The first tier is jurisdictional, requiring an agency to complete a preliminary review to determine whether an activity is subject to CEQA.¹⁰ An activity that is not a “project” is not subject to CEQA.¹¹ The second-tier concerns exemptions from CEQA review, both statutory and categorical.¹² If a project does not fall within an exemption, the agency must “conduct an initial study to determine if the project may have a significant effect on the environment.”¹³

If there exists “no substantial evidence that the project **or any of its aspects** may cause a significant effect on the environment,” the agency prepares a “negative declaration” that briefly describes the reasons supporting its determination.¹⁴ CEQA's third tier applies if the agency determines substantial evidence exists that an aspect of the project may cause a significant effect on the environment. In that event, the agency must ensure that a full environmental impact report is prepared on the proposed project.¹⁵

a. Distinction between Mitigated Negative Declarations and Environmental Impact Reports

i. When Mitigated Negative Declarations Are Appropriate

CEQA only allows a negative declaration if there is *no* substantial evidence in light of the whole record before the lead agency that a project will have a significant effect on the environment.¹⁶ If the evidence shows there is no substantial evidence of a significant effect, the agency prepares a negative declaration.”¹⁷ Conversely, “if no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an

⁸ *Communities for a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.

⁹ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74.

¹⁰ CEQA Guidelines, § 15060; see Pub. Resources Code, § 21065.

¹¹ Public Resources Code (see § 21065).

¹² Pub. Resources Code, § 21080(b)(1) (2).

¹³ CEQA Guidelines, § 15063(a).

¹⁴ *Id.*, §§ 15063(b)(2); 15070 (emphasis added).

¹⁵ CEQA Guidelines, § 15063(b)(1); see also Pub. Resources Code, §§ 21100, 21151; CEQA Guidelines, § 15080.

¹⁶ Pub. Res. Code § 21080(c); See also CEQA Guidelines 15064(f)(3).

¹⁷ *Id.*

EIR.”¹⁸ “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.”¹⁹ An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.”²⁰ Because “the adoption of a negative declaration . . . has a terminal effect on the environmental review process,” by allowing the agency “to dispense with the duty [to prepare an EIR],” negative declarations are allowed only in cases where “the proposed project will not affect the environment at all.”²¹

Finally, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study “to a point where clearly no significant effect on the environment would occur, and . . . 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.”²² In that context, “may” means a *reasonable possibility* of a significant effect on the environment.²³

ii. When Environmental Impact Reports are Required

Whenever “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment,” the agency must prepare an EIR.²⁴ Particularly relevant here is the rule that CEQA places the burden of environmental investigation on government rather than the public. “An agency shall not be allowed to hide behind its own failure to gather relevant data.”²⁵ An EIR should always be prepared in “doubtful cases,” so that agencies do not make decisions “without the relevant data or a detailed study of it.”²⁶ In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, only if there is not even a “fair argument” that the project will have a significant environmental effect.²⁷

iii. Fair Argument Standard

The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA.²⁸ Under the “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary

¹⁸ *Communities for a Better Env't v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

¹⁹ *Id.*

²⁰ *No Oil, Inc.*, 13 Cal.3d at 83.

²¹ *Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440.

²² PRC §§ 21064.5, 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331.

²³ PRC §§ 21082.2(a), 21100, 21151(a); *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05.

²⁴ PRC § 21080(d); see also *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.

²⁵ *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

²⁶ *No Oil, Inc.* 13 Cal.3d at 84.

²⁷ PRC, §§ 21100, 21064; 14 Cal. Code Regs. § 15371.

²⁸ *Pocket Protectors*, 124 Cal.App.4th at 928.

evidence exists to support the agency's decision.²⁹ Credible expert testimony that a project *may* have a significant impact, even if contradicted, is generally dispositive that an EIR must be prepared.³⁰ An EIR is required precisely in order to resolve the dispute among experts. In fact, a disagreement among experts has been a factor in court decisions to require an EIR.³¹ The very uncertainty created by the conflicting assertions made by the parties ... underscores the necessity of the EIR to substitute some degree of factual certainty for tentative opinion and speculation.³² Put simply, "if there is a disagreement among experts over the significance of an effect, the agency is to treat the effect as significant and prepare an EIR."³³

The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.³⁴

Courts are clear that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is *de novo*, with a **preference for resolving doubts in favor of environmental review.**"³⁵

b. CEQA Requirements for Historical Resources

California properties deemed eligible for listing on the national historic registry of historic places, like the Coxhead House, are protected under CEQA. An historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical

²⁹ 14 CCR § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-15.

³⁰ *City of Livermore v. LAFCO* (1986) 184 Cal.App.3d 531, 541-542.

³¹ *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229,

³² *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 85.

³³ *Sierra Club v. County of Sonoma*, 6 Cal.App.4th at pp. 1316-1317; *Moss v. Cty. of Humboldt* (2008) 162 Cal. App. 4th 1041, 1049.

³⁴ Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273-74.)

³⁵ *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original.)

Resources.³⁶ Then the test is if a project **may** cause a substantial adverse change in the significance of a historical resource, the project shall not be exempted from the statute.³⁷

For preparing CEQA documents for an historic resource, San Francisco adopted Preservation Bulletin No. 16. That Bulletin sets out a two-step process for evaluating the potential for proposed projects to impact historical resources. First, a Preservation Planner determines whether the property is an historical resource as defined by CEQA Guidelines Section 15064.5(a)(3); and, second, if the property is an historical resource, the Preservation Planner then evaluates whether the proposed action or project would cause a “substantial adverse change” to the historical resource.³⁸

CEQA defines a “substantial adverse change” as the physical demolition, destruction, relocation or alteration of the historical resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. CEQA goes on to define “materially impaired” as work that materially alters, in an adverse manner, those physical characteristics that convey the resource’s historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey.³⁹ It is also appropriate for a lead agency to consider not only the project site, but also the immediate surroundings. For example, under CEQA, a new fence was prohibited near a historic granite wall in Los Angeles because the fence would have detracted from the historic significance of the wall.⁴⁰

c. CEQA Requirements for local Land use plans

A project deemed consistent with general or specific plans, such as design guidelines, or zoning ordinances, can still be subject to CEQA review.⁴¹ This is because findings in a CEQA document may differ from findings made in consistency determination for zoning or local and/or general plans. “Each answers different questions, such that different answers are not prohibited.”⁴² A public agency’s own design review is not a substitute for CEQA review.⁴³ Applying an agency’s threshold of significance may be useful, but will “not relieve a public agency of the duty to consider the evidence under the fair argument standard.”⁴⁴ Courts have held “conformity with a general plan does not insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects.”⁴⁵

³⁶ See San Francisco Preservation Bulletin No. 16 (2004); CEQA §21084(e); CEQA Guidelines §15300.2(f).

³⁷ CEQA § 21084.1.

³⁸ San Francisco Preservation Bulletin No. 16, at p. 2.

³⁹ CEQA Guidelines 15064.5(b), Bulletin 16, p. 9.

⁴⁰ *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal. App. 4th 1168.

⁴¹ *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358

⁴² *Georgetown Preservation Society*, 30 Cal.App.5th at 372.

⁴³ *Id.* see also *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342, 29.

⁴⁴ *Mejia* at 29.

⁴⁵ *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1338.

d. **CEQA Requirements for Projects Listed on the Maher Map of Potentially Contaminated Sites**

The Project site is located on the City's Maher Map of potentially contaminated sites.⁴⁶ When public agencies issue environmental permits or approve environmental cleanups their actions are subject to CEQA unless an exemption applies.⁴⁷

C. **Grounds for Appeal: The Planning Department Must Prepare an Environmental Impact Report under CEQA**

1. **The PMND Did Not Adequately Evaluate Potentially Significant Impacts on an Historical Resource**

On January 9, 2018, the San Francisco Board of Supervisors voted unanimously to reverse "the determination by the Planning Department that the proposed Project at 2417 Green Street is categorically exempt from further environmental review."⁴⁸ Then on February 6, 2018, after considering expert evidence and public testimony, the Board of Supervisors again voted unanimously to find that the proposed Project "presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the **project may have a significant effect on the environment...**"⁴⁹ In response, after preparing and then withdrawing a second categorical exemption in mid-2018, the Planning Department conducted an initial study and prepared a preliminary mitigated negative declaration.

For this particular project, the distinction between a mitigated negative declaration and an environmental impact report is critical. The record is clear that the structural integrity of the Coxhead House's original tall brick foundation could be severely compromised were the Project to go forward as proposed.⁵⁰ In an EIR, the Planning Department would be required to conduct an independent, physical analysis of this highly technical issue and then propose feasible mitigation measures and project alternatives to alleviate such impacts. Instead the PMND merely contained a recitation of the developer's materials, and then made the unsupported blanket assertion that "the project could not have a significant effect on the environment."⁵¹

As shown below, the PMND is unlawful under CEQA because the record for this Project contains substantial evidence supporting a "fair argument" that a significant impact may occur. In fact, the Planning Department admitted in the initial study "*that project construction could compromise the structural integrity of the historic adjacent foundation at 2421 Green Street.*

⁴⁶ PMND at p. 71.

⁴⁷ *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327 (Citizens asserted the record contained substantial evidence of a fair argument that the Project would have a significant environmental impact due to contaminated soil. The evidence did not show that the potential impact would be mitigated to a level of insignificance).

⁴⁸ Motion M18-012, pp. 3-4 (*amended* February 6, 2018).

⁴⁹ *Id.*

⁵⁰ *Id.* See Report of Dr. Lawrence Karp, Ph.D. Geotechnical Engineer (January 2018)

⁵¹ PMND cover page.

*This would be a significant impact.*⁵² Rather than preparing an EIR as required, the Planning Department included an unlawful mitigation measure in the PMND based on unsupported findings; a measure that would rely on a future report prepared by the developer and shielded from Planning Commission, Supervisor and public review.⁵³

Likewise, the Planning Department omitted any discussion of project alternatives. However, an EIR is needed here in order to propose a reasonable range of Project alternatives that could feasibly attain the Project's basic objectives while reducing or avoiding its significant impacts.⁵⁴ The Planning Department has unfairly stacked the deck in favor the proposed Project by assuming the developer's goals to maximize buildout (and profit) are immutable. Neither DBI nor the Planning Department has explored reducing the size of the proposed residential expansion in a manner less impactful on the Coxhead House. A discussion of alternatives that would allow the developer to meet his reasonable objectives while ensuring the integrity and safety of 2421 Green Street is required under CEQA.

The Planning Department must conduct a qualified, independent investigation of all potentially significant impacts then propose feasible project alternatives and substantive mitigation measures for public review in a draft EIR.

a. The PMND Unlawfully Concluded that the Project's Direct Impacts on the Coxhead House's Structural Integrity Would be Insignificant

The PMND referenced the Project's direct impacts on the structural stability and integrity of the Coxhead House in two sections: Adjacent Historic Resources; and Geology and Soils. Neither section was adequate because neither included a full, independent and physical analysis of: the Coxhead House's 127 year-old brick foundation; the precise conditions the brick foundation requires to remain stable during Project excavation and construction; to what extent the developer's foundation work, on a steep slope below the Coxhead House, could undermine the Coxhead foundation; and the characteristics of the underlying soil and rock. These critical omissions and others have been brought to the Planning Department's attention repeatedly by geotechnical engineer Dr. Lawrence Karp.⁵⁵

i. The PMND Failed to Show the Project Complies with Local Safety Ordinances

The PMND omitted any discussion of how the Project would meet compliance with the following legal requirements:

⁵² PMND at pp. 18, 62-63.

⁵³ PMND at p.18.

⁵⁴ CEQA § 21100(b)(4); Guidelines § 15126.6.

⁵⁵ Dr. Karp has submitted expert reports to the City of San Francisco on January 9, 2018 and January 17, 2019. Dr. Karp's comment are incorporated herein in full by reference. This situation presents similar circumstances to 125 Crown Terrace, involving the same geologist.

San Francisco's Slope and Seismic Hazard Zone Protection Act applies to all property that exceeds an average slope of 4H:1V (25%) or falls within certain mapped areas of the City.⁵⁶ Therefore, the developer was required to submit a checklist describing the proposed construction, average slope of the property and the property location. None of this basic information was included in the PMND. Accordingly, neither the Planning Department nor the public have any technical information on whether Project construction could undermine slope stability at the Project site and what measures would be required to safeguard the Coxhead House.

Instead, the PMND proposed that the developer's geotechnical report and construction plans undergo third-party review by a geotechnical engineer at some undefined future date.⁵⁷ The purported purpose of this review is to "verify that appropriate geological and geotechnical issues have been considered and that appropriate slope instability mitigation strategies have been proposed."⁵⁸ It is unclear who would do the verifying or who would propose the appropriate strategies (other than the owner/contractor for the 2417 Green Project), but any independent third-party review was required to happen *before* the Planning Department issued its PMND not post-approval or during construction. Decision-makers and the public must have the opportunity to review the entire record on this matter as part of the CEQA process for the project.⁵⁹

Finally, the PMND dubiously asserted that the Project should not be subject to San Francisco Ordinance 121-18 because the initial application was filed in 2017. Had this been a straightforward project where the applicant followed the rules and was not required to repeatedly draft new plans and update applications that might be true. But here, the Project has had to undergo numerous revisions based on insufficient plans; and the developer will have to submit a new permit application to cover the new structural drawings, if it has not done so already. As of this writing, the owner states, as he has for years, those plans will be prepared by Holmes & Culley to replace earlier plans. Based on these facts, it would be irresponsible for the Planning Department to try to grandfather this project in a manner that would allow it to avoid compliance with a new ordinance essentially tailored for it. The City must require the Project to comply with San Francisco's Slope and Seismic Hazard Zone Protection Act.

The City should apply the law as it exists at the time of Project approval, not Project application. Since the Project has not yet been approved structurally, it must comply with the Slope and Seismic Hazard Zone Protection Act. Furthermore, the Project's inconsistency with the Act is proof that the Project may have significant adverse impacts under CEQA. Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment.⁶⁰ Indeed, any inconsistencies between a proposed project

⁵⁶ San Francisco Ordinance 121-18.

⁵⁷ PMND at p. 62.

⁵⁸ *Id.*

⁵⁹ *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d at 84.

⁶⁰ *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903; *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358.

and applicable plans must be discussed in an EIR.⁶¹ A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA.⁶² The Slope and Seismic Hazard Zone Protection Act is a plan of general applicability adopted to foresee and mitigate environmental effects. The Project's failure to comply with that plan means it will be skipped over, which is evidence that the Project may have adverse environmental impacts, requiring review and mitigation in an EIR.

San Francisco's Building Code section 1803.5.7 (Soils and Foundations) covers projects where excavation would reduce support from any foundation. A registered design professional is required to: prepare an assessment of the structure as determined from examination of the structure, the review of available design documents and, if necessary, excavation of test pits (obviously the test pit locations must be where the potential danger is). The registered design professional must determine the requirements for underpinning and protection and prepare site-specific plans, details and sequence of work for submission. Such support must be provided by underpinning, sheeting and bracing, or by other means acceptable to the building official.

The PMND omitted any independent analysis applying this requirement to the specific Project conditions on Green Street. Instead, the PMND encouraged the developer to proceed with excavation activities without a determination from an independent registered design and construction professionals. Rather than finalize a plan to ensure the protection of the Coxhead House's foundation, the PMND would allow the developer to figure it out along the way. The developer would "notify the geotechnical engineer and the building department five days prior to any excavation, and the geotechnical engineer shall *periodically* be present during excavation to observe the actual soil/rock conditions and to evaluate the stability of the cut."⁶³ The PMND goes on, "if unacceptable earth movement or evidence of structural settlement is encountered during construction, as determined by the geotechnical engineer, project excavation shall be halted and the geotechnical engineer shall evaluate if additional measures are required to prevent further movement."⁶⁴

The PMND's unenforceable recommendations are wholly inadequate because the Planning Department is literally allowing the developer to wait until a serious problem arises with the stability of the slope and structure before an actual plan is formulated.

CEQA prohibits deferral of mitigation measures. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead

⁶¹ 14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).

⁶² *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 (fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts).

⁶³ PMND at p. 62 (emphasis added).

⁶⁴ *Id.*

agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. Guidelines, section 15126.4(a)(1)(B) states: "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."

The City may not defer development of mitigation measures for this critical environmental impact that may undermine the very foundations of the Coxhead House. The mitigation measures must be set forth in an EIR so that the public may analyze the adequacy of those measures.

San Francisco's Building Code section 3307.1 (Protection of Adjoining Properties) requires the protection of adjoining properties during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. The person conducting an excavation must provide written a 10-day written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. The developer has commenced excavation activities at the Project site on several occasions absent proper notice under this ordinance. The PMND omitted this requirement further encouraging the developer to ignore its obligations to ensure the protection of the Coxhead House.

As the foregoing shows, the Planning Department chose not to conduct an independent, physical investigation of the above issues and legal requirements. Instead, it is essentially giving the developer *carte blanche* to conduct a minimal amount of self-investigation and -reporting will little agency oversight. Rather than independently verifying any geo-technical evidence, the PMND focused on the difference of opinion of whether the two buildings' foundations would physically attach.⁶⁵ Focusing the PMND's impact analysis on this point resulted in a deficient CEQA document by omitting analysis of the issues above. Moreover, evidence of a technical dispute on a key issue among the parties triggered the necessity to prepare an EIR. The "uncertainty created by the conflicting assertions made by the parties ... underscores the necessity of the EIR."⁶⁶ A full EIR would resolve the issue of whether the two foundations would physically touch and numerous other critical concerns.

ii. There is a Fair Argument that the Proposed Project Could Directly and Significantly Impact the Coxhead House

To repeat, the Planning Department's initial study found that "project construction could compromise the structural integrity of the historic adjacent foundation at 2421 Green Street."⁶⁷ And the PMND is correct that the Board of Supervisors already made the finding that "such an

⁶⁵ PMND at pp. 17, 64

⁶⁶ *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d at 85.

⁶⁷ *Id.* at p. 18.

impact could be considered significant.”⁶⁸ Based on the findings of the Board and the initial study, the Planning Department could no longer rely on a mitigated negative declaration. It was required to prepare an EIR. According to the Board:

“The Karp Report and other information submitted at and prior to the January 9, 2018, appeal hearing constituted substantial evidence that the Project, if approved, may result in one or more substantial adverse changes in the significance of the neighboring historic resource located at 2421 Green Street that have not been sufficiently addressed in the Categorical Exemption for the Project... The Board finds that the Karp Report and other information submitted at and prior to the January 9, 2018, appeal hearing constituted substantial evidence not previously identified that affect the CEQA evaluation set forth in the Categorical Exemption regarding how the Project may impair the significance of an historic resource by causing impacts to its immediate surroundings.”⁶⁹

Courts have long rejected agency CEQA processes where a subsequent CEQA document reached the opposite conclusion of an earlier one absent any explanation.⁷⁰ For example, when a county revised its initial study and issued a second which contradicted the first, the court held that the county was not free to “relegate[] the first initial study to oblivion.”⁷¹ According to the court, “We analogize such an untenable position to the un-ringing of a bell. The first initial study is part of the record. The fact that a revised initial study was later prepared does not make the first initial study any less a record entry nor does it diminish its significance.”⁷²

By definition, the conclusions from the Board of Supervisors and initial study both create a “fair argument” that the Project may have significant impacts, despite other evidence to the contrary, including the PMND. In this way, courts may rely on statements made in an initial study to establish a fair argument, even in the face of contradictory evidence.⁷³ Here, expert opinion and other evidence demonstrated that the proposed Project is likely to cause significant impacts that must be analyzed in an EIR.

Rather than prepare an EIR to independently investigate and disclose all potentially significant impacts on the Coxhead House, the Planning Department plans to “coordinate” in the future with the building department to obtain preliminary review of the developer’s geotechnical report and geologic hazard study.⁷⁴ According to the PMND, DBI’s Plan Review Services Division staff reviewed a 2017 geotechnical investigation and made recommendations to revise the report. Apparently, DBI’s recommendations “are reflected” in the April 25, 2019 geotechnical report. The Plan Review Services Division reviewed the revised report and found

⁶⁸ *Id.*

⁶⁹ San Francisco Board of Supervisors, Motion No. M18-012, Adopting Findings Reversing the Categorical Exemption Determination – 2417 Green Street, Amended February 6, 2018, File No. 180123, available at <https://sfgov.legistar.com/View.ashx?M=F&ID=5792879&GUID=75361D57-546D-41F0-B0A3-D11B6083C3D2>.

⁷⁰ *Stanislaus Audobon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144.

⁷¹ *Id.* at 154.

⁷² *Id.*

⁷³ *Gentry v. Murietta* (1995) 36 Cal.App.4th 1359.

⁷⁴ PMND at p. 61.

that “the report **generally meets** the standards for professional practice of geotechnical engineering.”⁷⁵ However, Project construction at this particular site presents an existential risk to the structural integrity of the Coxhead House. A hands-off departmental “coordination” scheme, along with its evasive finding that the report “generally” met profession standards, evidences a wholly unacceptable lack of action by a permitting agency.

The Planning Department’s hands-off strategy which relied on the developer to prepare all of technical analysis resulted in a PMND lacking in rigor or third-party objectivity. But CEQA requires negative declarations to reflect the lead agency’s “independent judgment.”⁷⁶ “Any . . . mitigated negative declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contract to, a public agency.”⁷⁷ A mitigated negative declaration must “reflect the independent judgment and analysis of the lead agency.”⁷⁸ The Planning Department’s failure to conduct independent analysis or exercise independent judgment was a violation of CEQA.

iii. The PMND Included an Inadequate and Unlawful Measure to Mitigate the Project’s Significant Impacts on the Coxhead House

As noted, the PMND contained a single mitigation measure purporting to address the potentially significant impacts on the Coxhead House. According to the PMND, any concerns over significant impacts would be resolved through an obligation by the developer to maintain ongoing coordination with DBI and the Planning Department prior to and during project construction:

“Mitigation Measure M-GE-1: Ongoing Coordination with the Planning Department and the Department of Building Inspections Prior to and During the Construction Phase Regarding Compliance with Geotechnical Requirements.

Pursuant to the San Francisco Department of Building Inspection process, the project sponsor (and their design team, geotechnical engineer, and contractor, as applicable) will be subject to ongoing coordination requirements with the planning department and the building department regarding plan check reviews and building inspections prior to and during construction work.”

According to the Planning Department, “Compliance with Mitigation Measure M-GE-1 would ensure the security and stability of the project site and adjacent properties. Furthermore, as addressed under Impact CR-1, compliance with this mitigation measure would avoid any potential impacts to historic resources.”⁷⁹

⁷⁵ Id. (emphasis added).

⁷⁶ CEQA §21082.1(c); *People v. County of Kern* (1976) 62 Cal.App.3d 761, 775; *Gentry v. Murietta* (1995) 36 Cal.App.4th 1359, 1397-98.

⁷⁷ CEQA §21082.1.

⁷⁸ Id.; CEQA Guidelines §15074.

⁷⁹ PMND at p. 63.

The Planning Department's ambiguous assurances notwithstanding, Measure M-GE-1 is an unlawful end run around CEQA for four reasons. First, the PMND claims the measure "ensures" the security and stability of the project site and the Coxhead House, but there is no way to objectively evaluate that assurance. The only measure of success is some level of future "coordination" between two departments that failed to communicate between one another on the Project for roughly one year; it was not until the complaints and NOV's became too numerous to ignore that the departments began to communicate on the Project. But even if the two departments did coordinate successfully, Measure M-GE-1 still lacks an evidence-based, measurable approach for success with real, physical requirements reviewable by the public and decision-makers.

Second, the measure defers important project scrutiny and mitigation *until after* all of the City's approvals are final, eliminating Planning Commission, Board of Supervisors' and public input and oversight. CEQA prohibits permitting agencies from deferring environmental mitigation until a future date after project approval.⁸⁰ Specifically, courts have rejected agency promises of "future studies subject to review and approval by planning and building services."⁸¹ According to established caselaw, "the requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA."⁸² Indeed, for any "measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures before the proposed negative declaration is released for public review"⁸³ Post-approval analysis and potential project revisions relied upon as mitigation is forbidden. By deferring mitigation assessment until a future date, the Planning Department has violated CEQA's requirement that environmental review must occur at the earliest feasible date in the planning process when "genuine flexibility remains."⁸⁴

Third, a lead agency may not base a negative declaration on the *presumed* success of mitigation measures that have yet to be formulated at the time of project approval. One purpose of a CEQA document is to ensure that the relevant environmental data is available to the agency and considered by it prior to the decision to allow a commitment of resources to the project.⁸⁵

Finally, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.⁸⁶ None of these legal requirements or conditions is met with Mitigation Measure M-GE-1; therefore, the measure does not pass CEQA muster.

⁸⁰ *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, 245.

⁸¹ *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306–307.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Mount Sutro Defense Committee v. Regents of University of California* (1978) 77 Cal.App.3d 20, 34.

⁸⁵ *No Oil, Inc.*, at p. 84.

⁸⁶ CEQA Guidelines §15126.4(a)(2).

b. The PMND Unlawfully Concluded that the Project's Aesthetic Impacts on the Coxhead House would be Insignificant

The PMND finally acknowledged that the Coxhead House is an historical resource under CEQA,⁸⁷ but it omitted any in-depth discussion or description of how and why the Coxhead house is significant to San Francisco and must be afforded protection. Instead, for purposes of evaluating impacts, the PMND purposefully treated the Coxhead House as a private residence with little cultural value to the City. As shown below, the PMND is incorrect.

As background, the California Office of Historic Preservation deemed the Coxhead House “clearly eligible” for the National Park Service’s Register of Historic Places having found the Coxhead Residence “clearly eligible for the National Register of Historic Places,” because “the Ernest Coxhead house is in outstanding and original condition, and retains an unusually high degree of historic integrity.”⁸⁸

Properties deemed eligible for listing on the national historic registry of historic places, like the Coxhead House, are protected under CEQA. An historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources.⁸⁹ If a project may cause a substantial adverse change in the significance of a historical resource, that project shall not be exempted from the statute.⁹⁰

Mr. Kaufman’s house was designed by renowned California architect Ernest Albert Coxhead in 1893. Mr. Coxhead lived in the residence with his family while he practiced architecture in San Francisco. The house is considered one of the finest remaining examples of Late Victorian Shingle Style, and architecture of the First Bay Area Tradition. The property has been written about in notable books and scholarly works for decades. The house is one of the few Coxhead nineteenth century buildings to survive the devastating 1906 earthquake and fires. The house’s shingled architectural details greatly influenced the work of later renowned Bay Area architects including Julia Morgan and Bernard Maybeck.⁹¹ The house is a San Francisco treasure.

The Coxhead Residence is located on steep, narrow Green Street between Cow Hollow and Pacific Heights. It is a three-story, wood-framed building clad in red cedar shingles trimmed with painted redwood Arts & Crafts fenestration and trim. It has steep pitched roofs and articulated dormers and ribbons of windows facing San Francisco Bay. The rear garden is contiguous with another Historic Landmark, the Casebolt House. Finally, “the Ernest Coxhead house is in outstanding and original condition, and retains an unusually high degree of historic

⁸⁷ PMND at p. 17.

⁸⁸ Letter from Office of Historic Preservation, at p.1 (September 13, 2017).

⁸⁹ See San Francisco Preservation Bulletin No. 16 (2004); CEQA §21084(e); CEQA Guidelines §15300.2(f).

⁹⁰ CEQA § 21084.1.

⁹¹ See Nomination for Listing National Register of Historic Places, August 28, 2017.

integrity.”⁹² The state of California has found the Coxhead Residence “clearly eligible for the National Register of Historic Places.”⁹³

San Francisco’s Preservation Bulletin No. 16 sets out a two-step process for evaluating the potential for proposed projects to impact historical resources. First, a Preservation Planner determines whether the property is an historical resource as defined by CEQA Guidelines Section 15064.5(a)(3); and, second, if the property is an historical resource, it then evaluates whether the proposed action or project would cause a “substantial adverse change” to the historical resource.⁹⁴

CEQA defines a “substantial adverse change” as the physical demolition, destruction, relocation or alteration of the historical resource *or its immediate surroundings* such that the significance of the historical resource would be materially impaired. CEQA goes on to define “materially impaired” as work that materially alters, in an adverse manner, those physical characteristics that convey the resource’s historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey.⁹⁵

The question is whether the PMND properly investigated potential Project-induced alterations to the Coxhead House or its immediate surroundings that could materially impair its significance as a historical resource? The answer is no. The PMND identified several potentially significant impacts such as the loss of views from 24 windows, and admitted that “the intent of the original design of the 2421 Green Street was to take advantage of the views from the eastern, western and northern elevations.”⁹⁶ But it dismissed these impacts on an historic resource by making the conclusory statement that “the quality of views from the windows that would be blocked by the proposed project is not an aspect of historic significance and is not character-defining to the architectural significance of the building.” But the PMND provided an unsupported opinion rather than presenting facts for decision makers and the public to weigh. Licensed architect and expert on historical resources, Carol L. Karp, submitted an expert report that found were the City to allow the developer to increase the existing building envelope it would obliterate views from the Coxhead House and the City has made no provision for protecting this important aspect of the Coxhead House.⁹⁷

Then the PMND concluded that even if the blocked windows were a significant impact, “loss of private views does not constitute a significant impact under CEQA and therefore is not included in this analysis.”⁹⁸ The City’s conclusion ignores the fact that the Coxhead House is an

⁹² Id.

⁹³ Letter from Office of Historic Preservation, p. 1 (September 13, 2017)

⁹⁴ San Francisco Preservation Bulletin No. 16, at p. 2.

⁹⁵ CEQA Guidelines 15064.5(b), Bulletin 16, p. 9.

⁹⁶ PMND at p. 20.

⁹⁷ Carol L. Karp Report at p. 2 (Dec. 30, 2017). Carol Karp’s report is incorporated herein in its entirety by reference.

⁹⁸ Id. at p. 19.

historic resource. While it may be true that private views are generally not significant impacts under CEQA, this ignores the fact that the views, light and air here at issue are integral parts of the historical significance of the Coxhead House. CEQA protects the elements of the house, such as view, light and air which contribute to the house's historical significance – unlike views from an ordinary private residence. The issue is not whether the current resident of the Coxhead House is entitled to private views; rather the issue is whether the City should prioritize the short-term economic interest of a private developer who does not intend to reside at 2417 Green Street over an important historic resource that would be materially impaired should the City allow the developer to overbuild the lot and permanently block 24 historic windows.

Furthermore, story poles clearly show that the proposed Project will block public views of the Coxhead House from Pierce Street and Green Street. While the MND acknowledges that public views of the Coxhead House would be impaired, it dismisses this impact since these are allegedly not the “primary views” of the house.⁹⁹ However, CEQA has no provision that disregards secondary as opposed to primary views of an historic resource.¹⁰⁰ There is no dispute that the proposed Project will block views of the historic Coxhead House from public streets. This is a significant impact requiring review under CEQA.

The foregoing illustrates the need for comprehensive analysis in an EIR absent unsupported, conclusory statements and misstatements of the law.

c. The PMND Unlawfully Concluded that the Project Would not Significantly Impact Land Use and Planning

Even if a public agency has deemed a project consistent with general or specific plans, such as design guidelines, or zoning ordinances, it can still be subject to CEQA review.¹⁰¹ This is because findings in a CEQA document may differ from findings made in consistency determination for zoning or local and/or general plans. Thus, separate CEQA analyses may be required. The PMND got this rule exactly backwards: “Land use impacts could be considered significant if a proposed project conflicts with any plan, policy, or regulation adopted for the purpose of avoiding an environmental effect. However, a conflict with a plan, policy, or regulation adopted for the purpose of mitigating an environmental effect does not necessarily indicate a significant effect on the environment.”¹⁰² Then, absent any investigation, the PMND concluded, “the proposed project would result in a less-than-significant impact with regard to consistency with existing plans and policies adopted for the purpose of avoiding an environmental effect.”¹⁰³

Not only did the Planning Department fail to properly state the actual CEQA requirements for assessing land use impacts, the Project *is* inconsistent with numerous provisions

⁹⁹ PMND at p. 21.

¹⁰⁰ See, e.g., *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.*, 116 Cal.App.4th 396 (2004).

¹⁰¹ *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358

¹⁰² PMND at p. 12.

¹⁰³ *Id.* at p. 13

of the Cow Hollow Neighborhood Design Guidelines (CHNDG) and the San Francisco Zoning Code, but it failed to include any consistency analysis in the PMND. In fact, the proposed Project violates the CHNDG and Zoning Code by, inter alia:

- Encroaching on shared mid-block open space.
- Obstructing access to light and air.
- Creating a structure with volume and massing that is inconsistent with the neighborhood.
- The proposed 5,115 square foot home on a 2500 square foot lot will result in a floor area ratio (FAR) of almost 2.5, in a neighborhood with an average FAR of approximately 1.0.
- Failing to comply with terracing requirements.
- Failing to respect the adjacent historic Coxhead House.

In addition, the proposed Project may be inconsistent with local land use requirements because it now includes two living units rather than one. The PMND only makes a passing reference to a newly-added first floor 1,023 square-foot, one-bedroom accessory dwelling unit (ADU).¹⁰⁴ This is a significant change to the Project which under several sets of plans contemplated a single-family residence. The PMND does not describe the ADU nor does it disclose whether the ADU is compatible with state and San Francisco land use ordinances.

San Francisco allows ADUs as a means of addressing the City's severe housing shortage. However, both state and local law place certain restrictions on such residences. CEQA analysis is required for this aspect of the Project because the Planning Department has utterly failed to meet its disclosure obligations to the public by refusing to describe the regulatory basis for the proposed ADU and by not providing the supporting drawings and plans for a second residence. To date, the entire discussion of the ADU is comprised of a single sentence: "a one-bedroom accessory dwelling unit measuring approximately 1,023 square feet on the first floor."¹⁰⁵

Under San Francisco's 2017 ordinance covering the permitting requirements of ADUs, the ADU process is comprised of "Waiver" and "No Waiver" programs.¹⁰⁶ Homeowners must assess which program applies to their particular situation because each program entails different requirements and permitting paths. Absent any help from the Planning Department, the interested public is left to figure out which program might apply to 2417 Green Street.

For example, if the newly-proposed ADU falls within the waiver program, the developer must construct it entirely within the existing built envelope, i.e., the area within the walls of the existing building.¹⁰⁷ The developer could increase the height of the building by three feet for ADU construction, but only if the building is also undergoing full seismic retrofitting for the

¹⁰⁴ PMND at Cover Page.

¹⁰⁵ Id.; See also second exemption at p. 2.

¹⁰⁶ Construction of Accessory Dwelling, Ord. No. 162-17 (July 11, 2017).

¹⁰⁷ http://default.sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/Waiver_ADUFactSheet.pdf.

entire structure.¹⁰⁸ Under this program, the developer would need to apply for compliance waivers from the zoning administrator to violate rear yard, parking, open space, density requirements or reductions in the amount of exposure currently required by San Francisco law.¹⁰⁹ All other Planning Code requirements would still have to be met.¹¹⁰ The Project cannot fall within the waiver program since it involves substantial expansion of the existing building envelope.

On the other hand, the ADU might fit within the no waiver program.¹¹¹ Here the ADU can be an expansion to the existing building, by taking habitable space from within the existing single-family home, or by constructing a new structure within the buildable area of the lot.¹¹² However, if an expansion is proposed for the project as part of the no waiver program, neighborhood notice under Sections 311/312, and design review are required.¹¹³ Importantly, in order for the ADU to be eligible for this program, it must not require any waivers for open space (300-400 sq/ft per unit), rear yard setbacks (25 percent of the rear yard must remain open), density or light exposure.

The Planning Department did not provide any information on the design or floor plan of the proposed ADU so it is an open question which program applies. Still, it appears it *may* fall within the no waiver program because the project has always involved an expansion of an existing building (from 4,118 sq/ft to 5,115 sq/ft). In that case, the developer is required to provide Section 311 notice.

In addition, state law requires local governments to impose standards on ADUs that, among other things, “prevent adverse impacts on any real property that is listed in the California Register of Historic Places,”¹¹⁴ or, “any other known historical resource.”¹¹⁵ For historical resources, the Planning Department is required to modify the project to prevent or mitigate such impacts.¹¹⁶ The evidence already shows previous building plans would impact the Coxhead House. Therefore, the Planning Department is required to make an affirmative finding that adding an additional residence to the parcel will have no impact on the Coxhead House.

Finally, under California law, San Francisco may require the applicant for an ADU to be an owner/occupant.¹¹⁷ This makes for good public policy. Allowing a speculator to build two or more residences on a single-family parcel (RH-1) to maximize profits while taking advantage of less restrictive land use requirements violates the spirit of the statute, which was meant to allow

¹⁰⁸ Id.

¹⁰⁹ Id.

¹¹⁰ Id.

¹¹¹ http://default.sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/NoWaiver_ADUFactSheet.pdf

¹¹² Id.

¹¹³ Id.

¹¹⁴ Government Code § 65852.2(a)(1)(B)(i).

¹¹⁵ San Francisco Ord. No. 162-17 § 207(6)(B)(v).

¹¹⁶ Id.

¹¹⁷ Government Code § 65852.2(a)(1)(D)(6)

existing homeowners to convert unused garage or basement space or legalize an existing in-law flat to provide additional living space to existing homes.

Given the many open questions surrounding this aspect of the Project, the only way decision makers and the public can assess the merits and legality of the proposal is to analyze its potentially significant impacts on land use and the Coxhead House in an EIR.

d. The PMND Unlawfully Concluded that the Project would have No Impacts Related to Hazardous Materials

The Project site is located on the City's Maher Map of potentially contaminated sites. Mr. Kaufman has already produced the City's Maher Map showing the presence of numerous known contaminated sites within 100 feet of the proposed Project. In fact, the application materials indicate that the subject property would require 408 cubic yard of soil excavation and removal. Given the listing of the property on the Maher Map, this excavation may disturb potentially contaminated soil, which may expose nearby residents and/or construction workers to hazardous chemicals. Thus, there is a fair argument that the Project may have adverse environmental impacts that must be analyzed under the Maher Ordinance and CEQA.

The administrative record shows that the City's Maher Waiver was improper and required:

- Site Mitigation Plan,
- An Environmental Health and Safety Plan,
- Dust Control Plan, and
- Other documents, as required under the Maher Program.

To date, none of those documents have been produced. According to the PMND, the developer took soil samples from "two sample locations within the existing garage."¹¹⁸ However, it appears that the garage area was renovated and expanded by the previous owner, during his tenure over the past thirty years. As a result, this is an area where the soil would be expected to have been removed and replaced with clean fill. Furthermore, the Maher Map clearly shows that the entire parcel is potentially contaminated. Two samples taken from "within the existing garage" are clearly insufficient to show that the entire parcel is not contaminated. In particular, the Project will involve significant soil excavation in the rear yard, which has not yet been tested. Unfortunately, this situation is reminiscent of the scandal plaguing Hunters Point Shipyard, where the "expert" consultant purposely tested soil from an area known to be clean. The Planning Department cannot repeat this grievous error. The City must develop a site mitigation plan as part of a full and independent EIR investigation prior to Project approval. The plan must be made available to the public so the public and decision-makers can determine if the plan is adequate or if additional mitigation is necessary.

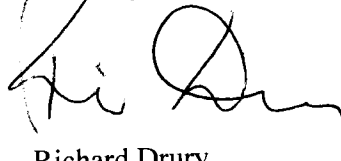
¹¹⁸ PMND, p. 72.

CONCLUSION

After being ordered by the Board of Supervisors to prepare a CEQA document to investigate and disclose the proposed Project's potentially significant impacts on the Coxhead House, the Planning Department prepared a bare bones mitigated negative declaration devoid of independent agency investigation and analysis. An EIR is required since eminently well-qualified experts have concluded that the proposed Project will have adverse impacts on the historic Coxhead House. As the Court of Appeal has stated, "It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project."¹¹⁹

Indeed, the PMND deferred to the developer to provide information on potential impacts and to choose solutions to address problems should they arise. CEQA was enacted in 1970 for no greater reason than to avoid such behind the scenes, backroom deals between developers and permitting agencies. Well-conceived projects should have nothing to hide so that in a proper CEQA analysis decision makers and the public can be assured approved projects will be safe for people and the environment. The Planning Department must do its job as an independent agency charged with protecting the people of San Francisco, not private developers. The PMND provides no assurances it understands that mission.

Sincerely,



Richard Drury
Lozeau Drury LLP

cc: Sup. Catherine Stefani
Sup. Aaron Peskin

¹¹⁹ *Pocket Protectors*, 124 Cal.App.4th at 935.

ATTACHMENT 1

LAWRENCE B. KARP
CONSULTING GEOTECHNICAL ENGINEER

FOUNDATIONS, WALLS, PILES
UNDERPINNING, TIEBACKS
DEEP RETAINED EXCAVATIONS
SHORING & BULKHEADS
CEQA, EARTHWORK & SLOPES
CAISSONS, COFFERDAMS
COASTAL & MARINE STRUCTURES

SOIL MECHANICS, GEOLOGY
GROUNDWATER HYDROLOGY
CONCRETE TECHNOLOGY

July 5, 2019

City and County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

Attention: Stephan Leung
 Plan Review Services Division

Subject: "Preliminary Review of Geotechnical Report
 2417 Green Street, San Francisco, Block/Lot 0560/028
 DBI Permit Numbers: 2017-0428-5244"

Dear Mr. Leung:

This correspondence responds to your letter dated 5/16/19 that was requested by and addressed to Jeanie Poling, Senior Environmental Planner, San Francisco Planning (CPD) Department (**Attachment I**). Your letter was just issued by CPD as part of their Preliminary Mitigated Negative Declaration (PMND) prepared by Jeanie Poling for the subject project and your opinions are contained in the Declaration as well as your entire letter, issued under the letterhead of Director Tom Hui, being referenced as footnote 88 on page 61 as well as an e-mail from you as footnote 89 on page 64. Your opinion of the 4/25/19 report by Christian Divis, as expressed in the last paragraph of your 5/16/19 letter and quoted by Jeanie Poling, on page 61 of the declaration referring by footnote to your 5/16/19 letter, was summarized as: *"...the report generally meets the standards for professional practice of geotechnical engineering."* In the PMND you are termed "DBI staff". Your engineering opinions communicated to CPD, which impact the subject project, in addition to your 5/16/19 letter, permeate the PMND written by Jeanie Poling.

The above notwithstanding, there are very serious problems with your review and representations, which are summarized below.

1. There is no indication in the 4/25/19 Divis report or your letter of 5/16/19 that either of you understand that the project adjoiner is situated on a steep slope below the Coxhead House at 2421 Green Street, which is an historical architectural resource supported by 127 year old brick foundations. Your 5/16/19 letter does not acknowledge receipt and reading of the undersigned's report of 1/17/19 (**Attachment II**) that shows the new project will be well below the foundation of 2421 Green and attempts to design let alone build, without the requisite geotechnical investigation and a proper topographical survey will impair lateral and subjacent support to the foundations of 2421 Green. The 1/17/19 (and the prior 1/19/18 report to the Board of Supervisors) contain reproductions of the San Francisco Building Code's requirements for protecting and providing lateral and subjacent support for new foundations along property lines below neighboring properties.

2. The 4/25/19 Divis report that is called, by CPD, an "investigation" is not at all a proper soil and foundation (geotechnical) investigation for the subject project. The issue of undermining laterally the foundations of the historic 2421 Green house have not been addressed in any way in the Divis report nor was it caught in your letter. A geotechnical investigation report that "*generally meets the standards for professional practice of geotechnical engineering.*" would necessarily contain the results of a physical investigation at the property line where excavation and new foundations are shown on the architectural drawings. A proper investigation would be to coordinate field work with a land surveyor's orthocontour map (there is none) that shows topography, features, and elevations for all existing improvements so a geotechnical investigation must absolutely include test pits to determine the elevations of the existing foundations on the neighboring property as well as the characteristics of the underlying soil or rock. In your 5/16/19 letter you, as did Divis, ignore this existing foundation standard for geotechnical investigations. Internal or external exploration away from the foundations at the property line do not at all fulfill the standard requirements for compliance with design necessary for underpinning and shoring of excavations near property lines and protection of neighboring foundations under 2016 SFBC.
3. In your 5/16/19 letter you state "*We understand that the proposed site improvements will exclude expanding the existing garage to the rear of the existing residence...*". You understood wrong; the intent is to expand the existing garage (and other improvements) to the rear but also toward 2421 Green's foundations as shown on the architectural drawings; existing on Sheet D1.0 and proposed on Sheet A1.0. This expansion will cause the planned excavation to approach the 2421 Green boundary which threatens the stability of the older building and the 127 year old brick foundations, all of which comprise the neighboring historic architectural resource. You do not state whether or not you have visited the site and observed the excavation that has already begun without a proper geotechnical report of investigation, without the calculations and detailing necessary under 2016 SFBC §1803.5.7 (excavations near property lines) and not compliant with 2016 SFBC §3307.1 (protection of neighboring property and maintenance of lateral and subjacent support to neighboring foundations). If you had observed conditions and read my 1/17/19 report to the Planning Commission you would also know that permits for the project were suspended by SFDBI more than a year ago and in excess of several Notice of Violations have been issued by SFDBI after suspension of the building permits in 2017,
4. The 4/25/19 Divis report contains no recommendations for underpinning, shoring, and excavation and your 5/19/19 letter does not point out that there are no recommendations. Regardless, Jeanie Poling, in her PMND (page 60, ¶5) states "*The geotechnical report concludes that the site can be developed as planned, provided the recommendations presented in the report are incorporated plans and specifications and implemented during construction.*" But there are no recommendations compliant with 2016 SFBC §1803.5.7 (excavations) and 2016 SFBC §3307.1 (protection). Nor could there be any pertinent recommendations, such as pressure diagrams and construction methods to protect 2421 Green because there was no investigation for that purpose and because, as already commenced, excavating will be without shoring and underpinning (actually, impossible tasks without authorization from the owner of 2421 Green). Divis notes that the excavation will be 4 or 5 feet from the property line, but plans for the suspended permit show new foundations on the property line (Attachment II) and he also forgot he certified (**Attachment III**), for the suspended permit, that those plans complied with his now discarded 1/12/17 report. So there can be no valid recommendations without survey and investigation, but the PMND states, at top of page 64, no survey is required.

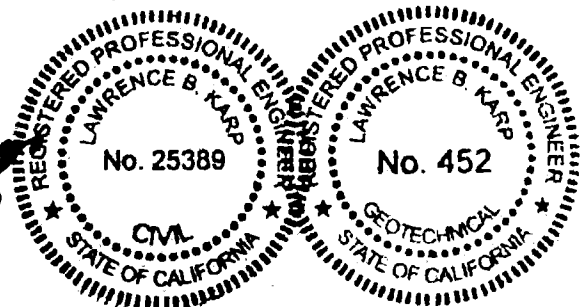
5. In your 5/19/19 letter, which CPD depended upon, you state *"the site falls within the slope protection area (Blume, 1974) and the proposed works involve excavation that might have an impact on the slope stability and adjacent properties, and therefore, this project is subject to the Slope Protection Act."* You are way out of date which is something that indicates to me that you have not practiced long as a geotechnical engineer in San Francisco. John Blume's version has been superseded many times over the past 45 years, although it provides useful information the subject project is governed by Ordinance No. 121-18 "Slope and Seismic Hazard Protection Zone Act (effective 6/23/18)" contained in SFDBI Information Sheet, 10/2/18 (Attachment IV) which applies to various standards including slopes that exceed inclinations of 4h to 1v per the City's 7/25/18 topographic map. The site is also within a landslide area as designated on a map posted on the second floor of 1660 Mission Street, which Divis just happened to include a reproduction of in his now discarded report of 1/12/17 (Attachment V). However, in his present report Divis makes no mention of the current Slope and Seismic Hazard Zone Protection Act (SSPA) as the subject project may have a substantial impact on slope stability. The SPA has a questionnaire that the engineer or architect of record has to complete under penalty of perjury; as shoring (and other tasks) are required there are a multitude of requirements that must be followed of which presenting a proper report of geotechnical investigation at the property line and including recommendations based on a topographic survey and the investigation is fundamental and cannot be met by the current report. The PMND refers to only a required peer review by "a licensed geotechnical engineer", which is incomplete
6. In both my 1/9/18 and 1/17/19 (Attachment II, Exhibit 4, page 4) reports I refer to a section drawn for his permit submittal by the sponsor (owner, engineer, applicant, contractor Christopher Durkin) wherein he shows a new foundation for 2417 Green hanging in midair, no ground support or attachment other than dowels anchored into the brick foundation of 2421 Green (this is where Divis thinks there is a distance of 4 or 5 feet to the property line). Durkin insists that the dowels are, to summarize his excuse in technical language, witness lines. After my 1/9/18 report pointing that out he did nothing to correct the detail to show a connection to other foundation elements or resting on the ground, his architect did the necessary correction: the 6/8/18 architectural drawings, Sheet A3.2, showing the same transverse section, has the footing extended over away from the property line to the garage wall instead of being anchored to 2421 Green. Jeanie Poling, in collusion with Durkin, had him write her a letter of "Clarification" which turned out to be frantic hysterics (this writer and the undersigned, who was an engineer reporting and designing shoring and underpinning in San Francisco long before Durkin was born) was accused of fraud and elder abuse. Jeanie Poling then quoted Durkin and wrote in the PMND *"The project sponsor subsequently clarified that the lines on the plans are call outs for longitudinal [sic] reinforcement in the wall footing and do not show a connection to the adjacent foundation."* Note that "longitudinal" bars would be parallel to the property line, not perpendicular like the cross footing bars would be which Durkin claims. She then wrote *"DBI staff reviewed this plan sheet and concurred with the project sponsor that [t]here is no physical connection between the new footings and the neighbor's existing masonry footings."* referring to your e-mail of 6/13/19 to CPD (page 64, ¶3). By the way, the mid-air connection at the transverse section is not a "plan sheet", and the excavation and foundation construction is on the property line, not 4 or 5 feet away as Divis states several times.

A proper geotechnical investigation is required, complete with shoring and underpinning recommendations and construction sequencing, and details with elevations pursuant to a topographical land survey, to protect the neighbor's 127 year old brick foundations and building.

Yours truly


Lawrence B. Karp

LAWRENCE B. KARP CONSULTING ENGINEER



ATTACHMENT 2



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

Date: June 26, 2019
Case No.: 2017-002545ENV
Project Title: 2417 Green Street
Zoning: RH-1 [Residential-House, One Family] Use District
40-X Height and Bulk District
Block/Lot: 0560/028
Project Sponsor: Chris Durkin, 2417 Green Street, LLC
(415) 407-0486
Staff Contact: Jeanie Poling – (415) 575-9072
jeanie.poling@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This notice is to inform you of the availability of the environmental review document concerning the proposed project as described below. The document is a preliminary mitigated negative declaration (PMND), containing information about the possible environmental effects of the proposed project. The PMND documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a mitigated negative declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

Project Description: The project site is on the south side of Green Street on the block bound by Green, Pierce, Scott, and Vallejo streets in the Pacific Heights neighborhood. The 2,500-square-foot project site contains a vacant four-story single-family residential building constructed circa 1905. The property at its Green Street frontage slopes with an elevation of approximately 150 feet along the western (up slope) side to 145 feet along eastern (down-slope) side. The project would lower building floor plates by approximately 2 feet, construct one- and three-story horizontal rear additions, and construct third and fourth floor vertical additions above the existing building. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet. A one-bedroom accessory dwelling unit measuring approximately 1,023 square feet would be added on the first floor. The project also proposes a partial excavation of the rear yard for a sunken terrace, façade alterations, interior modifications, and expansion of the existing basement level garage to accommodate one additional vehicle, for a total of two vehicle parking spaces. The proposed project requires issuance of building permits by the Department of Building Inspection (DBI) and has been scheduled for a discretionary review hearing before the Planning Commission.

The PMND is available to view or download from the Planning Department's environmental review documents web page (<https://sfplanning.org/environmental-review-documents>). Paper copies are also available at the Planning Information Center (PIC) counter on the ground floor of 1660 Mission Street, San Francisco.

www.sfplanning.org

中文詢問請電: 415.575.9010 | Para Información en Español Llamar al: 415.575.9010 | Para sa Impormasyon sa Tagalog Tumawag sa: 415.575.9121

If you have questions concerning environmental review of the proposed project, contact the Planning Department staff contact listed above.

Within 20 calendar days following publication of the PMND (i.e., by 5:00 p.m. on **July 16, 2019**, any person may:

- 1) Review the PMND as an informational item and take no action;
- 2) Make recommendations for amending the text of the document. The text of the PMND may be amended to clarify or correct statements and may be expanded to include additional relevant issues or to cover issues in greater depth. This may be done **without** the appeal described below; **OR**
- 3) Appeal the determination of no significant effect on the environment to the Planning Commission in a letter which specifies the grounds for such appeal, accompanied by a \$617 check payable to the San Francisco Planning Department.¹ An appeal requires the Planning Commission to determine whether or not an Environmental Impact Report must be prepared based upon whether or not the proposed project could cause a substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Lisa Gibson, 1650 Mission Street, Suite 400, San Francisco, CA 94103 or emailed to lisa.gibson@sfgov.org. **The letter must be accompanied by a check in the amount of \$617.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on July 16, 2019.** The appeal letter and check may also be presented in person at the PIC counter on the first floor of 1660 Mission Street, San Francisco.

In the absence of an appeal, the mitigated negative declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the PMND. If the PMND is appealed, the final mitigated negative declaration (FMND) may be appealed to the Board of Supervisors. The first approval action, as identified in the initial study, would establish the start of the 30-day appeal period for the FMND pursuant to San Francisco Administrative Code Section 31.16(h).

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

¹ Upon review by the Planning Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months.

Exhibit C

Amended Mitigated Negative Declaration/Initial Study

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SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Mitigated Negative Declaration

Date: June 26, 2019; amended on September 19, 2019 (amendments to the initial study are shown as deletions in ~~strike through~~ and additions in double underline)

Case No.: **2017-002545ENV**

Project Title: **2417 Green Street**

BPA No.: 201704285244

Zoning: RH-1 [Residential-House, One Family] Use District
40-X Height and Bulk District

Block/Lot: 0560/028

Lot Size: 2,500 square feet

Project Sponsor: Chris Durkin, 2417 Green Street, LLC
(415) 407-0486

Lead Agency: San Francisco Planning Department

Staff Contact: Jeanie Poling – (415) 575-9072
jeanie.poling@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The project site is on the south side of Green Street on the block bound by Green, Pierce, Scott, and Vallejo streets in the Pacific Heights neighborhood. The 2,500-square-foot project site contains a vacant four-story single-family residential building constructed circa 1905. The residence encompasses the front (northern) two thirds of the lot. The property at its Green Street frontage slopes with an elevation of approximately 150 feet along the western (up slope) side to 145 feet along eastern (down-slope) side. The project would lower building floor plates by approximately 2 feet, construct one- and three-story horizontal rear additions, and construct third and fourth floor vertical additions above a portion of the existing building. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet. A one-bedroom accessory dwelling unit measuring approximately 1,023 square feet would be added on the first floor. The project also proposes a partial excavation of the rear yard for a sunken terrace, façade alterations, interior modifications, and expansion of the existing basement level garage to accommodate one additional vehicle, for a total of two vehicle parking spaces.

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 the Significance of the Environmental Effects Caused by a Project), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration), and the following reasons as documented in the initial evaluation (initial study) for the project, which is attached.

A mitigation measure is included in this project to avoid potentially significant effects. See page 81.

cc: Chris Durkin, Project Sponsor
Christopher May, Current Planning Division
Supervisor Catherine Stefani, District 2

Distribution List
Interested Parties
Virna Byrd, M.D.F.

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Initial Study

2417 Green Street

Planning Department Case No. 2017-002545ENV

A. INTRODUCTION

The San Francisco Planning Department (the planning department) published a categorical exemption for the proposed project on May 16, 2017. The categorical exemption was appealed and heard by the Board of Supervisors on January 9, 2018. The Board of Supervisors upheld the appeal and, on February 6, 2018, issued Motion No. M18-12, which stated, “[T]he Board finds that there is substantial evidence in the record before the Board that the Project proposed at 2417 Green Street presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the project may have a significant effect on the environment and, based on the facts presented to the Board of Supervisors at the hearing on January 9, 2018, the Project is therefore not Categorically Exempt from CEQA review.” Accordingly, the planning department has prepared this initial study to evaluate the potential impacts of the 2417 Green Street project. The concerns raised in the appeal and during the appeal hearing are addressed below in Sections F.3, Cultural Resources; F.15, Geology and Soils; and F.17, Hazardous Materials.

B. PROJECT DESCRIPTION

Project Location

The project site is located on the south side of Green Street on the block bound by Green, Pierce, Scott, and Vallejo streets in the Pacific Heights neighborhood (see Figure 1 on page ~~85~~ ⁸³¹). The 2,500-square-foot project site contains a vacant four-story, approximately 45-foot-tall, single-family residential building constructed circa 1905. The residence contains a total of approximately 4,450 square feet of space consisting of approximately 4,120 square feet of habitable space and a 337-square-foot garage, and encompasses the front (northern) two thirds of the lot. The property slopes along its Green Street frontage, with an elevation of approximately 150 feet along the western (up-slope) property line to 145 feet along the eastern (down-slope) property line. The rear of the property has been landscaped into three terraces with small (less than 3-foot-tall) retaining walls separating each terrace, descending from west to east. Each level has been backfilled to create a level patio and planting areas. The existing building has one off-street vehicle parking space that is accessed via a curb cut and driveway on Green Street. The project site is currently in a state of suspended construction, with the site having been partially excavated and some interior renovation work started.

Project Characteristics

The proposed project would lower all floor plates by approximately 2 feet, construct one- and three-story horizontal rear additions, and construct third and fourth floor vertical additions above a portion of the existing building. Project construction would also include a full structural and

¹ Initial study figures can be found at the end of the document starting on page ~~83~~ ⁸⁵.

seismic upgrade. Existing and proposed site plans are shown on Figure 2 on page ~~85~~ 87, and proposed plans and elevations are shown on Figures 3 through 12 on pages ~~86~~ 88 through ~~96~~ 99.

The floor area would increase from approximately 4,120 square feet under existing conditions to approximately 5,120 square feet under the proposed project. A one-bedroom accessory dwelling unit measuring approximately 1,020 square feet would be added on the first floor, for a total of two residential units on the site. The project also proposes a partial excavation of the rear yard for a sunken terrace, façade alterations such as new window configurations and new windows and door, interior modifications, and expansion of the existing basement level garage to accommodate one additional vehicle, for a total of two off-street vehicle parking spaces. The size of the garage could accommodate more vehicles; however, the project sponsor intends to increase vehicular parking spaces from one to two and use the remaining space not designated for parking as storage. A new street tree would be added on the Green Street sidewalk. Table 1 summarizes the existing and proposed building characteristics.

Table 1 – Summary of Existing and Proposed Building Characteristics

	Existing	Proposed
Approximate Floor Area	4,120 square feet	5,120 square feet
Number of stories	4	4
Approximate Height	45 feet	45 feet
Dwelling units	1	2
Off-street vehicle parking spaces	1	2

Source: Dumican Mosey Architects, Site Permit/311 Notification Plans, revised June 6, 2018.

Construction Schedule and Equipment

Project construction is anticipated to take approximately three to five months to complete. The project would require excavation of approximately 408 cubic yards of soil and rock to a depth of 13 feet below grade. Some project excavation below the existing building has already occurred (see Project History, below). Additional excavation would be conducted using a pneumatic pavement breaker (hand-held jackhammer) with a force rating of 90 pounds. Excavation would occur in sections for one to two weeks over a period of three to five months. No pile driving would be required as part of project construction. The foundation would be reinforced concrete with standard retaining walls around the garage and perimeter spread footings around the outside walls.

Project History

The following bullet points provide a chronological summary of the various actions documented in the record related to the proposed project that have occurred since April 2017, when the project sponsor filed for a building permit associated with the proposed project. Text provided within quotes is verbatim as it appears in official documents and City records (building permit applications, complaints, and Board-issued California Environmental Quality Act [CEQA] findings).

- On April 28, 2017, the project sponsor filed Building Permit Application (BPA) #**201704285244** for the proposed excavation/addition project: “Horizontal addition. Expansion of existing garage in basement level, first, second, third, and fourth story horizontal rear yard addition; alterations to existing front façade; excavation and full foundation replacement; lowering existing building approximately 1’-11”; interior remodel throughout.”
- On May 16, 2017, the planning department issued a categorical exemption (planning department case number 2017-002545ENV) for the proposed excavation/addition project covered under BPA #201704285244: “Alterations to an existing four-story-over-basement, single-family residence with one vehicle parking space; excavate to add two vehicle parking spaces; three-story rear addition; facade alterations and foundation replacement; lower existing building.”²
- On May 18, 2017, the Department of Building Inspection (DBI, or the building department) issued BPA #**201705116316**: “Partial deteriorated basement wall and foundation replacement with new landscaping site wall at backyard.” DBI Info Sheet G-20 notes that foundation work does not require planning department approval, and thus did not route BPA #201705116316 to the planning department for review.
- On September 27, 2017, DBI received complaint no. 201708032: “Working beyond scope of BPA #201705116316. Doing horizontal addition.” DBI determined that the scope of work warranted review by the planning department. The planning department determined that one of the proposed retaining walls in the rear yard aligned with the proposed foundation of a proposed horizontal rear addition subject to San Francisco Planning Code section 311 neighborhood notification, which had not yet been completed.
- On September 28, 2017, DBI suspended BPA #201705116316, and on January 5, 2018, DBI closed the case, noting, “new permit has been issued to comply with complaint. DCP approved scope that was initially not reviewed by their department. kmh.”
- On October 2, 2017, the planning department opened enforcement action 2017-012992ENF in response to complaint no. 201708032.
- On October 2, 2017, the property owner submitted BPA #**201710020114**: “To comply [with] NOV201708032, administrative permit to facilitate Department of City Planning review, revision to BPA #201705116316, delete freestanding retaining wall at rear yard. No work under this permit. N/A Maher ordinance.”
- On October 10, 2017, after determining that the May 16, 2017 categorical exemption covered the excavation work, the planning department signed off on BPA #201710020114 for excavation below the existing building without the side wall of the proposed rear addition.
- On October 23, 2017, the planning department issued neighborhood notification pursuant to Planning Code section 311 for the proposed horizontal rear expansion under BPA #201704285244.

² The currently proposed project is slightly smaller than the project analyzed in the May 16, 2017, categorical exemption.

- On October 28 and 30, 2017, three discretionary review requests were filed with the planning department (planning case nos. 2017-002545DRP, 2017-002545DRP-02, and 2017-002545DRP-03).
- On November 3, 2017, DBI issued BPA #201710020114 for legalization of the excavation work.
- On November 22, 2017, Richard Toshiyuki Drury of Lozeau Drury LLP filed an appeal of the May 16, 2017 categorical exemption with the Board of Supervisors on behalf of the adjacent property owner at 2421 Green Street, raising concerns over (1) impacts to historic resources at 2421 Green Street related to views, air, and light (2) impacts to historic resources at 2421 Green Street related to construction methodology, and (3) impacts related to the release of hazardous materials (Board of Supervisors File No. 171267). The planning department determined that the appeal was timely because the excavation permit (BPA #201710020114) was the approval action under CEQA.
- On December 12, 2017, DBI received complaint no. 201724852: “date last observed: 11-DEC-17; identity of person performing the work: Cannot confirm identity, was n; floor: roof; unit: N/A; exact location: Main Bldg; building type: Residence/Dwelling WORK W/O PERMIT; WORK BEYOND SCOPE OF PERMIT; ; additional information: Chimney has been removed from the building without a permit;”
- On December 20, 2017, DBI received complaint no. 201727021: “Front chimney is unsafe. Also refer to Complaint #201724852.” (On June 3, 2019, DBI closed the case.)
- On January 8, 2018, DBI received complaint no. 201830371: “Penetrations in roof made when chimneys were removed. Have not been sealed. Rain water entering building, also penetrations in walls at rear. A monthly fee will be assessed on NOV’S.” (On May 22, 2018, DBI determined the case abated after penetrations were sealed.)
- On January 9, 2018, the Board of Supervisors upheld the appeal of the categorical exemption issued on May 16, 2017, and on February 6, 2018, the Board issued CEQA findings that concluded:

[T]he Board finds that there is substantial evidence in the record before the Board that the Project proposed at 2417 Green Street presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the project may have a significant effect on the environment and, based on the facts presented to the Board of Supervisors on the hearing on January 9, 2018, the Project is therefore not Categorically Exempt from CEQA review.³

Following the Board hearing, the planning department rescinded the categorical exemption issued on May 16, 2017, and resumed environmental analysis, taking into consideration documents and oral testimony presented during the appeal period and at the appeal hearing.

- On May 8, 2018, DBI issued BPA #201804277607 for temporary shoring to comply with NOV 201727021 to shore up the remaining center brick façade.

3 San Francisco Board of Supervisors, Motion No. M18-012, Adopting Findings Reversing the Categorical Exemption Determination – 2417 Green Street, Amended February 6, 2018, File No. 180123, available at <https://sfgov.legistar.com/View.ashx?M=F&ID=5792879&GUID=75361D57-546D-41F0-B0A3-D11B6083C3D2>.

- On June 11, 2018, DBI closed complaint no. 201727261 and noted, "Planning Department suspended two permits: 201705116316 and 201710020114."
- On June 22, 2018, the planning department issued a categorical exemption certificate for a revised building expansion project to lower all floor plates by approximately 2 feet; construct one- and three-story horizontal rear additions; construct third and fourth floor vertical additions; add an accessory dwelling unit; excavate at rear; and expand existing basement level garage to accommodate one additional vehicle (planning case no. 2017-002545ENV).
- On July 20, 2018, the representative of 2421 Green Street filed an appeal of the June 22, 2018 categorical exemption certificate, raising concerns regarding (1) impacts to historic resources at 2421 Green Street related to views, air, and light (2) impacts to historic resources at 2421 Green Street related to construction methodology, and (3) impacts related to the release of hazardous materials.
- On July 30, 2018, the planning department determined that the July 20, 2018 appeal of the June 22, 2018 categorical exemption certificate was not timely because the approval action under CEQA (i.e., the discretionary review hearing before the Planning Commission) had not yet occurred.
- On August 28, 2018, DBI opened complaint case no. 201888531, "Work being done without permits. PA# 201804277607 issued in May for temp." (DBI closed the case on September 4, 2018, stating "work being performed is approved.")
- On September 20, 2018, DBI received complaint no. 201804277607, "Beyond scope of work \$500. Tomporing shoring." (DBI closed the case on November 14, 2018, noting "work complete.")
- On September 21, 2018, DBI received complaint case no. 201893553: "date last observed: 20-SEP-18; time last observed: For the past year; identity of person performing the work: Christopher Durkin; exact location: Main Bldg; building type: Residence/Dwelling ABANDONED/DERELICT STRUCTURE; WORK W/O PERMIT; WORK BEYOND SCOPE OF PERMIT; OTHER BUILDING; additional information: The windows have been left open to the elements for over a year; there are animals, mold, asbestos; the building windows are adjacent to our home's windows." (DBI closed the case on September 25, 2018, noting "Permits for this project have been suspended and there is no work taking place on site. Permit for temp shoring 201804277607 is complete. No windows were open at time of visit. I asked to contractor to make sure site is secure.")
- On January 15, 2019, the planning department rescinded the categorical exemption issued on June 22, 2018 and began preparation of an initial study for the project.
- On January 18, 2019 DBI received complaint no. 201920322: "date last observed: 17-JAN-19; time last observed: Daily x2years; identity of person performing the work: Chris Durkin, developer; Eric ; floor: Third; exact location: Main Bldg; building type: Residence/Dwelling WATER INTRUSION; VACANT STRUCTURE; ; additional information: Windows on East side and at rear of vacant building remain open to rain and animal intrusion past 2 years. Neighbors have filed numerous complaints." (DBI closed the case on January 18, 2019 with the note, "Case closed and referred to CES by email per MH; slw.")

- On January 18, 2019, DBI received complaint no. 201920683: “vacant building.”
- On March 19, 2019, DBI received complaint no. 201937943: “Date last observed: 19-mar-19; time last observed: continual; identity of person performing the work: christopher durkin & ; floor: all storie; unit: single res; exact location: common area; building type: residence/dwelling water intrusion; abandoned/derelict structure; structural problems; work being done in dangerous manner; ; additional information: water is pouring out of vacant building making the front sidewalk slick and dangerous; *.” (DBI closed the case on March 19, 2019, noting, “Case reviewed, to be referred to CES. mh/oh.”)

Project Approvals

The proposed project requires issuance of building permits by DBI. A discretionary review hearing before the Planning Commission has been requested for BPA #201704285244, which is the building permit application that corresponds to the proposed project. The discretionary review decision would constitute the Approval Action for the Project that would establish the start of the 30-day period for the appeal of the final negative declaration to the Board of Supervisors, pursuant to section 31.04(h) of the San Francisco Administrative Code.

C. PROJECT SETTING

Project Site and Surrounding Land Uses

As noted above, the project site is on the south side of Green Street, within a city block bounded by Pierce Street to the east, Green Street to the north, Scott Street to the west, and Vallejo Street to the south. The immediately surrounding neighborhood is comprised primarily of two- to three-story single-family homes constructed between 1900 and the 1950s in a wide range of architectural styles. Lots on the block and in the vicinity are generally 25 feet wide by 125 feet deep, with some wider lots containing larger homes. The project block slopes upward to the southwest, generally on a greater than 20 percent slope.

The project block and immediately surrounding blocks are zoned RH-1 (Residential-House, One-Family). Nearby zoning districts include RH-3 (Residential-House, Three-Family) and RM-1 (Residential, Mixed, Low Density) zoning on blocks to the northeast, closer to the Union Street Neighborhood Commercial District (NCD). The nearest commercial district, the Union Street NCD, is two blocks to the north and two blocks to the east of the project site, and the Upper Fillmore NCD is located three blocks east and four blocks south of the project site. One block east of the project site on the opposite side of Green Street is St. Vincent de Paul Church and K-8 school. Streets in the vicinity are neighborhood residential, generally around 35-40 feet wide, and contain limited traffic. The sidewalks along the project site and block are approximately 15 feet wide. The project site is well served by public transportation. Within one-quarter mile of the project site, Muni operates the following bus lines: the 22 Fillmore, 24 Divisadero, 41 Union and 3 Jackson.

Cumulative Projects

The cumulative context for land use development project effects is 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

projects listed in Table 2 and illustrated on Figure 13, on page ~~96~~ 98. These projects are either under construction or are projects 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. As shown, these projects primarily include new residential uses.

Table 2 – Projects within One-Quarter Mile of the Project Site

Address	Planning Department Case No.	Project Description	Project Status
2301 Lombard St	2015-014040CUA	New construction of a mixed-use building with 22 dwelling units and 2,600 square feet of retail	Under construction
2346-2350 Union St	2017-007518PRJ	Addition of five new accessory dwelling units to an apartment building	Under construction
2637 Union St	2018-000739PRJ	Modification of a single-family home and addition of an accessory dwelling unit	Under planning department review
2831 Pierce St	2018-006138PRJ	Modification of a two-unit residential building. Addition of fourth floor.	Under planning department review
2582 Filbert St	2016-008605PRJ	New construction of a single-family home	Under construction
2237 Union St	2014-001423PRJ	Modification of a single-family home	Under construction
2251 Greenwich St	2014-002266PRJ	Demolition-reconstruction of Fire Station #16	Under construction
2261 Filbert St	2014-000645PRJ	Modification of a single-family home	Under construction

Note: Some projects listed as under construction may have been recently completed.

Sources: San Francisco Planning Department, 2018 Q4 Development Pipeline and San Francisco Property Information Map, reviewed in April 2019.

D. 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

The San Francisco Planning Code, which incorporates the Zoning Maps of the City and County of San Francisco (the City), governs permitted land uses, densities, and the arrangement of building structures within the city. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless (1) the proposed project conforms to the planning code, (2) allowable exceptions are granted pursuant to provisions of the planning code, or (3) amendments to the planning code are incorporated into the proposed project.

Zoning and Density

The project site is in a Residential-House, One Family (RH-1) zoning district and a 40-X height and bulk district. The RH-1 district is occupied almost entirely by single-family houses on lots 25 feet in width without side yards. Floor sizes and building styles vary but tend to be uniform within tracts developed in distinct time periods. Though built on separate lots, the structures have the appearance of small-scale row housing, rarely exceeding 35 feet in height. Front setbacks are common, and ground level open space is generous. The 40-X height/bulk district indicates a maximum height of 40 feet (with certain allowable exceptions), and “X” indicates that bulk limits are not applicable. The proposed project would be consistent with the existing planning code zoning and height and bulk designations because it would not exceed the existing zoning and density. Specifically, the building would remain a single-family residence as zoned, and would add an accessory dwelling unit, as permitted under Planning Code section 207(c)(6). Furthermore, the project would not increase the building height beyond the existing height of 45 feet, as measured pursuant to Planning Code section 260.⁴ Thus the proposed project would be consistent with the planning code and would not require any variances, special authorizations, or changes to the planning code or zoning map.

Plans and Policies

San Francisco General Plan

Development in San Francisco is subject to the San Francisco General Plan. The general plan provides general policies and objectives to guide all land use decisions in the City. Any conflicts between the proposed project and policies that relate to physical environmental issues are discussed in Section F, Evaluation of Environmental Effects. The compatibility of the proposed project with general plan policies that do not relate to physical environmental issues would be considered by decision-makers as part of their decision to approve or disapprove the proposed project. The project is a modification of a single-family home with the addition of an accessory dwelling unit. The project would be minor in scope, would not introduce incompatible land uses to the neighborhood, and would encourage housing production by adding the accessory dwelling unit. It would not otherwise conflict with any general plan policies or objectives. Thus, the project would not conflict with the San Francisco General Plan or any other adopted policy.

4 At its highest point, the existing building is almost 45 feet tall. Since it is on an upsloping lot, the height varies along with the slope and gradually becomes shorter as the grade increases towards the rear. With the proposed alteration to the roofline, the project would result in a decrease in the building height at the front by approximately 3 feet.

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 City’s planning code to establish eight priority policies. These policies, and the corresponding sections of this document addressing the environmental issues associated with these policies, are as follows: (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 displacement); (4) discouragement of commuter automobiles (Question 5a, 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 14a, Geology and Soils); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Question 10a, Shadow, and Questions 11a and 11b, Recreation).

Prior to issuing a permit for any project that requires an initial study under CEQA, or 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 the proposed project or legislation consistent with the priority policies. 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 decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

Regional Plans and Policies

The principal regional planning agencies and their overarching policies and plans that guide planning in the nine-county Bay Area include the Metropolitan Transportation Commission’s and Association of Bay Area Governments’ *Plan Bay Area 2040*,⁵ which is an integrated long-range transportation and land use plan to meet greenhouse gas reduction targets set by the California Air Resource Board, the Bay Area Air Quality Management District’s (the air district’s) *Bay Area 2017 Clean Air Plan* (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 location, size, and nature of the proposed project, no anticipated conflicts with regional plans would occur as a result of the proposed project.

Required Approvals by Other Agencies

See Section B, Project Description, for a list of required project approvals.

5 Metropolitan Transportation Commission and the Association of Bay Area Governments. 2017. *Plan Bay Area 2040 Final Plan*. Available: <http://www.2040.planbayarea.org/what-is-plan-bay-area-2040>. Accessed: April 24, 2019.

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/Planning	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hydrology/Water Quality
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Wind	<input type="checkbox"/> Hazards & 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 type="checkbox"/> Tribal Cultural Resources	<input type="checkbox"/> Utilities/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 type="checkbox"/> Noise	<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Geology/Soils	

E. EVALUATION OF ENVIRONMENTAL EFFECTS

All items on the initial study checklist that have been checked “Less than Significant Impact,” “No Impact,” or “Not Applicable” indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that topic. A discussion is included for those issues checked “Less than Significant Impact” and for most items checked with “No Impact” or “Not Applicable.” For all of the items checked “Not Applicable” or “No Impact” 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 planning department’s Transportation Impact Analysis Guidelines for Environmental Review, and the California Natural Diversity Data Base and maps, published by the California Department of Fish and Wildlife. For each checklist item, the evaluation has considered the impacts of the proposed project both individually and cumulatively.

Analysis of Topics Raised in the Appeal of the Categorical Exemption

The following impact analyses address concerns that were raised in both appeals of the categorical exemption: Impact CR-1 (historic resources), Impact GE-1 (geology and soils), and Impact HZ-2 (hazardous materials).

Public Resources Code Section 21099 – Aesthetics and Parking Analysis

On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014.⁶ Among other provisions, SB 743 amends CEQA by adding Public Resources

⁶ SB 743 is available at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743.

section 21099 regarding analysis of aesthetics and parking impacts for urban infill projects.⁷ The CEQA Guidelines⁸ were amended in 2019 to include a new section 15064.3 that addresses the provisions of SB 743.

Public Resources Code section 21099(d) states, “Aesthetic and parking impacts of a residential, mixed- use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.”⁹ Accordingly, aesthetics and parking are not to be considered in determining whether a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area¹⁰
- b) The project is on an infill site¹¹
- c) The project is residential, mixed-use residential, or an employment center¹²

The proposed project meets each of the above three criteria because it (1) is located within one-half mile of several bus transit stops that meet the definition in Public Resources Code section 21099(d) of a “major transit stop,” (2) is located on an infill site that is already developed with and surrounded by other urban development, and (3) is a residential project.¹³ Thus, this initial study does not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.

Public Resources Code section 21099(e) states that a lead agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers, and that aesthetics impacts as addressed by the revised Public Resources Code do not include impacts on historical or cultural resources. Thus, there is no change in the planning department’s methodology related to design and historic review.

7 Public Resources Code section 21099(d).

8 California Code of Regulations, Title 14, Division 6, Chapter 3.

9 Public Resources Code section 21099(d)(1).

10 Public Resources Code section 21099(a) defines a “transit priority area” as an area within one-half mile of an existing or planned major transit stop. A “major transit stop” is defined in section 21064.3 of the Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

11 Public Resources Code section 21099(a) defines an “infill site” as a lot located within an urban area that has been previously developed, or a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

12 Public Resources Code section 21099(a) defines an “employment center” as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and located within a transit priority area.

13 San Francisco Planning Department, Transit-oriented Infill Project Eligibility Checklists for 2417 Green Street, February 1, 2019. This document (and all documents cited in this initial study unless otherwise noted) is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2017-002545ENV.

<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>
1. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant 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"/>

Impact LU-1: The proposed project would not physically divide an established community. (Less than Significant)

The proposed project involves modification and expansion of an existing single-family home on an established lot and the addition of one accessory dwelling unit. The project would not alter the established street grid or permanently close any streets or sidewalks. The project would not impede the passage of persons through construction of any physical barriers. Although portions of the sidewalk adjacent to the project site could be closed for periods of time during project construction (approximately three to five months), these closures would be temporary in nature. Therefore, the proposed project would not physically divide an established community and this impact would be less than significant.

Impact LU-2: The proposed project would not cause a significant 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 could be considered significant if a proposed project conflicts with any plan, policy, or regulation adopted for the purpose of avoiding an environmental effect. However, a conflict with a plan, policy, or regulation adopted for the purpose of mitigating an environmental effect does not necessarily indicate a significant effect on the environment. The proposed project would result in an expansion of an existing (currently vacant) residential unit on the site and an addition of one accessory dwelling unit to the city housing stock and would not be expected to conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result. The project would be generally consistent with the land use policies outlined in the San Francisco General Plan, including promoting infill development, providing new housing, and concentrating more intense development near transit services. Moreover, the proposed residential use is permitted by city code and plans applicable to the area, and the project would be within the applicable bulk limits. Thus, the proposed project would not result in adverse physical changes in the environment related to conflicts with any plan, policy, or regulation adopted for the purpose of avoiding an environmental effect.

Furthermore, the proposed project would not conflict with any adopted environmental plan or policy, such as the Metropolitan Transportation Commission's and the Association of Bay Area Governments' Plan Bay Area 2040 or the air district's 2017 Clean Air Plan, which directly

addresses environmental issues and/or contains targets or standards that must be met in order to preserve or improve characteristics of the city's physical environment. See Section D, Compatibility with Existing Zoning and Plans, for a more detailed discussion of the proposed project's general consistency with applicable plans and policies. Thus, the proposed project would result in a less-than-significant impact with regard to consistency with existing plans and policies adopted for the purpose of avoiding an environmental effect.

Impact C-LU-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would result in less-than-significant cumulative land use impacts. (Less than Significant)

The cumulative context for land use effects is typically localized, within the immediate vicinity of the project site, or at the neighborhood level. Table 2 on page 7 identifies development projects within a quarter-mile radius of the project site. All of the nearby cumulative projects would be constructed within their individual project sites and would perpetuate the existing land uses and land use pattern in the neighborhood (largely, single-family and some multi-family residential). None of these cumulative development projects would introduce incompatible uses that would adversely impact the existing character of the project vicinity. Thus, the proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in a less-than-significant cumulative land use impact.

<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>
2. POPULATION AND HOUSING. Would the project:					
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact PH-1: The proposed project would not induce substantial unplanned population growth. (Less than Significant)

The project would enlarge one existing (currently vacant) single-family home and add one accessory dwelling unit. According to the 2017 America Communities Survey five-year estimates, Census Tract 132, where the project site is located, had a reported population of 4,044 residents. The U.S. Census population estimate for San Francisco in 2017 was 884,363 residents. Based on San

San Francisco's average household size of 2.35,¹⁴ the two newly occupied dwelling units would accommodate approximately five residents. The five new residents would increase the population within the Census Tract 132 by approximately 0.012 percent and would increase the citywide population by approximately 0.0005 percent, which would not be considered substantial. Thus, population growth associated with the proposed project would not be substantial in relation to the overall population of the area, and this impact would be less than significant.

Impact PH-2: The proposed project would not displace substantial numbers of existing people or housing units, necessitating the construction of replacement housing. (No Impact)

The project site is currently vacant; thus, no residents would be displaced. The project would result in construction of one net new dwelling unit on the site. Thus, there would be no impact related to displacement of people or housing units.

Impact C-PH-1: The proposed project, cumulatively with other past, present and reasonably foreseeable future development, would not induce substantial population growth or displace substantial numbers of people or housing units. (Less than Significant)

Table 2 on page 7 lists development projects within a quarter-mile radius of the project site. These cumulative development projects would not introduce incompatible uses that would adversely impact the existing character of the project vicinity. Moreover, projects in the City's development pipeline would result in population growth that is consistent with Association of Bay Area Governments' projections through 2040. Thus, the proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in a less-than-significant cumulative land use impact.

The San Francisco General Plan 2014 Housing Element¹⁵ anticipates continuation of the trend of residential population growth in San Francisco that has been in progress since at least 2000.¹⁶ San Francisco Mayor's Executive Directive 17-02¹⁷ calls for construction of "at least 5,000 units of new or rehabilitated housing every year for the foreseeable future," and for the implementation of policies to facilitate this construction. Any cumulative growth in the project area therefore is not expected to result in a cumulative demand for new housing, since this demand is already anticipated. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the area, but would not induce substantial population growth beyond that already anticipated to occur and this impact would be less than significant.

14 U.S. Census, 2017, <https://www.census.gov/quickfacts/fact/table/sanfranciscocitycalifornia,sanfranciscocountycalifornia/HSD310217#view=wtot>, accessed January 31, 2019.

15 City of San Francisco, 2015, San Francisco General Plan 2014 Housing Element, April, http://www.sf-planning.org/ftp/General_Plan/2014HousingElement-AllParts_ADOPTED_web.pdf, accessed November 6, 2017.

16 The New York Times. Mapping the US Census 2010. Mapping the 2010 U.S. Census, San Francisco, <http://www.nytimes.com/projects/census/2010/map.html?view=PopChangeView&l=14&lat=37.77752894957491&lng=-122.41932345299993>, accessed May 2, 2018.

17 City and County of San Francisco Office of the Mayor, Executive Directive 17-02, <http://sfmayor.org/article/executive-directive-17-02>, accessed February 19, 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>
3. CULTURAL RESOURCES. Would the project:					
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 could cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5, including those resources listed in Articles 10 and 11 of the planning code. (Less than Significant with Mitigation)

Historical resources are those properties that meet the definitions in section 21084.1 of CEQA 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 (California Register) or in an adopted local historic register. Historical resources also include resources identified as significant in a historical resource survey, meeting one or more of the following criteria.

- Criterion 1 (Events): Is associated with events that have made a significant contribution to the broad pattern of California's history and cultural heritage;
- Criterion 2 (Persons): Is associated with the lives of persons important in our past;
- Criterion 3 (Architecture): Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Criterion 4 (Information Potential): Has yielded, or may be likely to yield, information important in prehistory or history.

Additionally, properties that are not listed but are otherwise determined to be historically significant, based on substantial evidence, would also be considered historical resources.

Potential impacts to historic resources are addressed in section 15064.5(b) of the CEQA Guidelines, which states, "A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the

environment.” A “substantial adverse change” is defined in the CEQA Guidelines as the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”¹⁸ CEQA also defines “materially impaired” as work that “materially alters, in an adverse manner, those physical characteristics that convey the historical resource’s historical significance and justify its inclusion in or eligibility for inclusion in the California Register of Historical Resources or in a local register of historical resources.”¹⁹

Under CEQA Guidelines section 15064.5(b), a significant impact would occur if the project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance.” Under these provisions, the significance of a historical resource would be materially impaired—that is, a significant impact would occur—if the project would result in physical demolition, destruction, relocation, or alteration of the resource (which would be considered direct impacts of the project) or its immediate surroundings.

Project Site

The planning department evaluated whether the building at 2417 Green Street is a historical resource as defined by CEQA. The planning department required the submittal of a historic resource evaluation and determined, based on the conclusions of that historic resource evaluation and additional independent analysis conducted by qualified planning department staff, that the existing structure on the project site is not a historical resource as defined by CEQA.^{20,21} The following is a summary of the planning department’s findings.

The building located at 2417 Green Street was built circa 1905 and was first owned by Lonella H. Smith. Louis B. Floan was the contractor for the building, but no architect was identified. The building is a rectangular plan, three-story-over-basement, wood-frame, single-family residence with a side-facing gable roof and shingle and brick cladding. The building was altered in 1954 to insert a garage with concrete cladding, in 1972–1973 to replace the front entry porch, and at an unknown date to replace upper floor windows. While the building retains some characteristics of the First Bay Tradition style, including the simple wall surface, wood shingles, and small-scale ornamentation, it has been substantially altered such that it is not considered an outstanding example of this architectural style. Thus, the building at the project site is not a historical resource as defined by CEQA.

The planning department found that the existing building on the project site does not appear to be eligible for inclusion on the California Register either as an individual historic resource or as a contributor to a historic district. There is no information provided in the historical resource evaluation or in the planning department’s background files to indicate that the existing structure at 2417 Green Street is associated with events that have made a significant contribution to the broad

¹⁸ CEQA Guidelines, section 15064.5(b)(1).

¹⁹ CEQA Guidelines, section 15064.5(b)(2).

²⁰ Tim Kelley Consulting, LLC, Historical Resource Evaluation Part 1, 2417 Green Street, San Francisco, California, April 2017.

²¹ San Francisco Planning Department, Preservation Team Review Form, 2417 Green Street, May 10, 2017; and San Francisco Planning Department, Historic Resource Evaluation Response, 2417 Green Street, May 31, 2018.

patterns of local or regional history or the cultural heritage of California or the United States. Moreover, no significant historical figures are known to be associated with the existing building. Lastly, the property does not significantly embody the distinctive characteristics of the First Bay Tradition style, it is not the work of a master architect, and it does not possess high artistic value.

Furthermore, the existing building on the project site is not located within a California Register-eligible historic district. The historical resources evaluation found no cohesive collection of buildings in the immediate area that would indicate a possible district. The nearest historic district is the California Register-eligible Pacific Heights Historic District, which includes buildings immediately south of and 125 feet to the west of the subject building. The 2417 Green Street structure was found to not contribute to this district since the subject building and its immediate neighbors to the east are not associated with the architectural significance of the district. The district is characterized by large, formal, detached dwellings, typically designed by master architects and displaying a high level of architectural detailing and materials. The building at 2417 Green Street is builder-designed and displays a relatively vernacular style. While the properties to the west of 2417 Green Street may be eligible for inclusion in the district, the existing building on the project site was found to not contribute to the eligible Pacific Heights Historic District.

Adjacent Historic Resources

The project site is located immediately adjacent to and east of an identified-eligible historic resource located at 2421 Green Street.²² The rear yard of 2417 Green Street also abuts 2727 Pierce Street (City Landmark 51). Due to the proximity of two adjacent historic resources to the project site, potential direct and indirect impacts to both were analyzed and are discussed below.

Potential Direct Impacts to Adjacent Historic Resources

As discussed in the planning department's Historic Resource Evaluation Response, the proposed project at 2417 Green Street would adhere to all planning department requirements with regard to rear yard setbacks and mid-block open space. It is unlikely that the proposed rear addition would cause a physical direct impact to the adjacent historic resources at 2421 Green Street or 2727 Pierce Street due to the fact that the addition would not physically attach to or require physical alterations of any components of these adjacent properties. The proposed project at 2417 Green Street would be confined to the boundary of the subject lot. The proposed rear addition would incorporate 3'-4" side setbacks at the basement level, 0'-3" side setbacks at the first floor, and 3'-10" side setbacks at the second, third, and fourth floors between the addition and the immediately adjacent historic resource at 2421 Green Street and would sit below the overall height of the historic resource at 2421 Green Street.²³ The size and location of the addition would not require the removal or infill of property line windows at 2421 Green Street.²⁴

²² 2421 Green Street was identified in the planning department's 1976 Survey and given a rating of "4." The property was also discussed in *Here Today: San Francisco's Architectural Heritage*, by Roger R. Olmsted and Tom H. Watkins (page 270).

²³ At its highest point, the existing building is almost 45 feet tall. Since it is on an upsloping lot, the height varies along with the slope and gradually becomes shorter as the grade increases towards the rear. With the proposed alteration to the roofline, the project would result in a decrease in the building height at the front by approximately 3 feet.

²⁴ Property line windows are not protected in the San Francisco Planning Code.

During the exemption appeal, the appellant's engineer cited an elevation detail on the foundation replacement permit (BPA #201705116316) drawings that indicated a connection with the foundation of 2421 Green Street, discussed in more detail under Impact GE-1 on page 59 ~~60~~. Given the history of this project, as outlined in the Project History section above, combined with the concerns raised by the Board of Supervisors at the appeal hearing, this initial study finds that project construction could compromise the structural integrity of the historic adjacent foundation at 2421 Green Street. As noted in the CEQA findings by the Board of Supervisors during the appeal of the categorical exemption,²⁵ such an impact could be considered significant. To address this concern, the planning department coordinated with the building department during the preparation of this initial study, and had the Plan Review Services Division of the building department review the project's geotechnical investigation in advance of when they would typically do so.

Mitigation Measure M-GE-1, Ongoing Monitoring By and Coordination with the Planning Department and the Department of Building Inspections Prior to and During the Construction Phase Regarding Compliance with Geotechnical Requirements, provided below for ease of reference and also discussed further on pages 643-65, would obligate the project sponsor to maintain ongoing coordination with DBI and the planning department, pursuant to a required milestone schedule, prior to and over the course of project construction for the specific purposes of ensuring the security and stability of the project site and adjacent historic resources.

Mitigation Measure M-GE-1: Ongoing Monitoring By and Coordination with the Planning Department and the Department of Building Inspections Prior to and During ~~the Construction Phase Regarding Compliance with Geotechnical Requirements~~. Pursuant to the San Francisco Department of Building Inspection process, the project sponsor (and their design and construction team, ~~geotechnical engineer, and contractor~~, as applicable) ~~will~~ shall be subject to ongoing monitoring by and coordination requirements with the planning department and the building department regarding plan check reviews and building inspections prior to and during construction work. ~~This process will include the following requirements:~~

- ~~• Prior to commencement of construction, the project sponsor shall submit to the planning department and building department a report outlining anticipated construction milestones with corresponding (approximate) dates of reaching those milestones as well and all memoranda and/or reports anticipated to be prepared or approved at those milestones. The report shall address how all code requirements will be met, including responsible parties and the city agency providing oversight. The report shall be reviewed and approved by the planning department and the building department prior to commencement of construction.~~
- ~~• Once construction commences, the sponsor shall notify the planning department and the building department (when coordination with the building department is~~

²⁵ San Francisco Board of Supervisors, Motion No. M18-012, Adopting Findings Reversing the Categorical Exemption Determination – 2417 Green Street, Amended February 6, 2018, File No. 180123, available at <https://sfgov.legistar.com/View.ashx?M=F&ID=5792879&GUID=75361D57-546D-41F0-B0A3-D11B6083C3D2>

~~not already included as typical part of the process) when the above milestones have been reached and their outcomes. Specifically, all memoranda and/or reports issued at times of those milestones shall be provided to the planning department and the building department.~~²⁶

In conjunction with its submittal of structural plans, the project sponsor shall submit to the building department construction documents that identify anticipated significant construction milestones when a field report and/or memorandum by the engineer(s) of record shall be submitted to the planning and building departments. The building department shall review and determine whether to approve the list of significant reporting milestones as part of its approval of structural plans.

The engineer(s) of record shall notify the planning and building departments when milestones indicated on the construction documents have been reached, and their outcomes. Specifically, the project sponsor's engineer of record shall submit field reports and/or memoranda documenting each milestone to the planning and building departments.

Pursuant to planning department policy, any memoranda and/or reports prepared by the project sponsor and/or a consultant working for the project sponsor shall adhere to the planning department's protocols of objectivity.

Structural and geotechnical observation and inspection shall be provided onsite during construction.

With implementation of Mitigation Measure M-GE-1, potential significant impacts related to historical resources (including construction-related impacts on the adjacent historical resource at 2721 Green Street) would be reduced to a less-than-significant level.

Additionally, the rear yard of 2727 Pierce Street (City Landmark 51) that abuts the rear yard of 2417 Green Street would not be physically impacted by the proposed rear addition, which would be entirely located within the buildable area of the lot such that a planning code-compliant 25-foot rear yard is maintained. This would provide significant distance between the rear yard of 2727 Pierce Street and the proposed rear addition at 2417 Green Street such that there would be no potential for a direct impact to the landmark building.

Potential Indirect Impacts to Adjacent Historic Resources

Construction impacts to the adjacent building at 2421 Green Street are addressed under Impact NO-2 (vibration) on page 314 and Impact GE-1 (geology and soils) on page 59 60.

This section addresses the potential for the project to result in indirect impacts to the historic setting of the immediately adjacent historic resource at 2421 Green Street and the nearby 2727 Pierce Street (City Landmark 51), including impacts related to public views of the 2421 Green Street structure.

²⁶ Pursuant to Department policy, any memoranda and/or reports prepared by project sponsor and/or a consultant working for the project sponsor shall adhere to Planning Department's protocols of objectivity.

The loss of private views does not constitute a significant impact under CEQA and is and therefore is not included in this analysis.

The current setting of the adjacent historic resources at 2421 Green Street and 2727 Pierce Street is comprised of standard city lots subject to the restrictions and requirements of the RH-1 (Residential-House, One Family) zoning district and 40-X height and bulk district. Historically, the subject block remained unified and largely undeveloped until the Casebolt House (City Landmark 51) was constructed at 2727 Pierce Street in 1867. The block was subsequently subdivided, and lots were sold for private development that ultimately resulted in the current setting, comprised of multi-level single-family residences that adhere to the slope of the land and have a strong pattern of mid-block open space.

The existing footprint of 2417 Green Street is not a precondition for 2421 Green Street or 2727 Pierce Street to convey their historic architectural designs, for which they have been found to be significant under Article 10 of the planning code and the National Register, respectively. The setting of the two historic resources has changed over time to accommodate an ever-changing urban environment. Although the 2417 Green Street project includes a rear expansion that would be visible from 2421 Green Street and from 2727 Pierce Street, this change would not physically impact either resource such that they would no longer be able to convey their architectural significance.

The designating ordinance for 2727 Pierce Street (City Landmark 51) identifies character-defining features associated with the significance of the property. These features include architectural details that collectively illustrate the property's high-style Italianate design. Features associated with the setting of the landmark (i.e., landscaping, open space, and views) are not identified in the designating ordinance as character-defining features. Although there is an extant garden at the rear of the property, it is not identified as a character-defining feature in the landmark designation report. The proposed project at 2417 Green Street would be visible from the rear yard of 2727 Pierce Street but it would not physically touch or materially impair any of the landmark's character-defining features such that it would no longer be able to convey its significance. Therefore, the proposed project at 2417 Green Street would not cause a significant adverse impact on 2727 Pierce Street.

The adjacent historic resource at 2421 Green Street is currently undergoing consideration for listing in the National Register of Historic Places for its association with the life and work of master architect Ernest Albert Coxhead and for its representation as an outstanding example of the First Bay Tradition architectural style.²⁷ Based on the information presented in the National Register nomination form, the intent of the original design of 2421 Green Street was to take advantage of the view(s) from the eastern, western, and northern elevations. While this design intent is important to understanding the original design, it is only one aspect of the overall design. Other aspects that speak to the architectural significance of 2421 Green Street include its exterior shingle

²⁷ Carol L. Karp, *Nomination for Listing, National Register of Historic Places, Architect Ernest Coxhead's Residence & Studio, 1893, 2421 Green Street, San Francisco, California*, August 28, 2017. Submitted with November 22, 2017, CEQA Exemption Appeal, Board of Supervisors File No. 171267. Available at <https://sfgov.legistar.com/View.ashx?M=F&ID=5672392&GUID=AC8156DB-3B1C-4308-AD5D-56087798A95E>.

cladding, general form and mass, steeply pitched roof forms, and fenestration patterns. The quality of view(s) from the windows that would be blocked by the proposed project is not an aspect of historic significance and is not character-defining to the architectural significance of the building. Rather, these are private views from a private residence, some of which would be noticeably affected by the proposed project, but not to the degree that would materially impair the ability of this resource to convey its historical importance. Moreover, private views are typically not analyzed under CEQA. Additionally, the 2421 Green Street was constructed within an ever-changing urban environment that saw rapid residential development in the years following construction – specifically on adjacent lots – that resulted in the partial obstruction of these views. The site also has a “[s]outhern rear yard that captures direct sunlight nurturing a garden that backs onto neighboring gardens creating a park-like setting at the back of the house.” Although the overall setting of 2421 Green Street is described as “park-like” in the National Register Nomination Form, it is located within an urban environment of developed city lots.

The proposed project at 2417 Green Street would not physically touch or alter the exterior features of 2421 Green Street, as the project would be confined to the boundaries of the 2417 Green Street lot. The proposed rear addition would incorporate 3’-4” side setbacks at the basement level, 0’-3” side setbacks at the first floor, and 3’-10” side setbacks at the second, third, and fourth floors to allow for space between the addition and the immediately adjacent properties and would sit below the overall height of the historic resource at 2421 Green Street such that no existing windows would require physical alteration. The proposed rear addition may alter the amount of direct sunlight on the rear garden at 2421 Green Street but would not significantly diminish or alter the “park-like” setting at the rear. The proposed project would maintain a 25-foot rear yard that would adhere to the rear yard requirements of the planning code and would maintain mid-block open space consistent with residential design guidelines such that these features would continue to relate to adjacent properties. Although the proposed project would be visible from the east-facing windows of 2421 Green Street, it would not physically touch or alter any of the historic resource’s character-defining features. The 2421 Green Street property would continue to convey its historical significance. Therefore, the project at 2417 Green Street would not cause a significant adverse impact to the setting or surroundings of 2421 Green Street.

Based on massing studies provided by the project sponsor, views of the proposed project would not result in a significant impact due to a change of public views available of the adjacent 2421 Green Street structure, for the following reasons:

- The primary view of the 2421 Green Street residence from the closest public right-of-way (Green Street) is how most people experience the building and that primary view would not change.
- Views of the 2421 Green Street that would change (specifically, by blocking one of the side facades of the building) are from a block or more away. These medium- and long-range view show the building within a dense urban context, and the change in these views as a result of the proposed project would not compromise the integrity of significance or character-defining features of the historic resource.
- Most public views from sidewalks and roadways of adjacent historic resources would remain the same as under the existing conditions.

The July 20, 2018 appeal of the June 22, 2018 categorical exemption issued for the project cites a report by architect Carol Karp that states that the proposed project would adversely affect the historical significance of the adjacent historic resource at 2421 Green Street by blocking light, air, and views from the 2421 Green Street structure. Light, air, and private views are not character-defining features of 2421 Green Street, and effects on light, air, and private views are not considered impacts under CEQA; public views of the 2421 Green Street structure are discussed above and would not be affected by the proposed project in a way that would result in a significant impact.

As discussed above, the proposed addition to the existing single-family residence at 2417 Green Street would not include any physical alterations or setting impacts to the adjacent historical resources at 2421 Green Street or 2727 Pierce Street such that there would be a substantial adverse change in the significance of these resources that would no longer make them eligible for inclusion in a local, state, or national register of historical resources.

Potential Impacts to Adjacent Historic District

The project also would not have the potential to affect any adjacent historic district. The nearest historic district is the Pacific Heights Historic District, which captures buildings to the south and west of the subject building. The historic district is significant under Criterion 3 (Architecture) for its strong collection of late-Victorian (typically Queen Anne), Shingle (First Bay Region), Arts & Crafts, Classical Revival, Colonial Revival, Tudor Revival, French Provincial, and Mediterranean Revival architecture. The boundaries of the historic district are roughly Pacific, Lyon, Steiner and Green Streets and the period of significance is 1895 to 1930. Specifically, the boundaries include buildings immediately to the south of the subject property that front on Vallejo Street and buildings to the west that front on Scott Street. The subject property and the four adjacent properties to the west are not included within the boundaries of the historic district. The 2417 Green Street structure would not contribute to this district since the subject building and its immediate neighbors to the east are not associated with the architectural significance of the district. While the properties to the west of 2417 Green Street may be eligible for inclusion in the district, the subject building does not contribute to the Pacific Heights Historic District. Therefore, the proposed project would have no adverse impact to the historic district.

In conclusion, the project would not significant adverse impacts to historic resources.

Impact CR-2: The proposed project would not cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines section 15064.5. (Less than Significant)

In March 2017 and in January 2019, planning department staff archeologists conducted preliminary archeological review for the project and determined that the potential for resources to be present is low based on the steepness of the project site and the fact that the existing residence was constructed by terracing into the slope, which removed several feet of near-surface soils. Additional excavation would not change this assessment as there is little potential for buried resources to be present in this setting.²⁸ Thus, the project would not cause a substantial adverse

²⁸ Sally Salzman Morgan, Planner/Archaeologist, San Francisco Planning Department, email to Jeanie Poling regarding 2417 Green St archeological review, January 30, 2019.

change in the significance of an archeological resource and this impact would be less than significant.

Impact CR-3: The proposed project would not disturb human remains, including those interred outside of formal cemeteries (Less than Significant)

In March 2017 and in January 2019, planning department staff archeologists conducted preliminary archeological review for the project. There are no known human remains, including those interred outside of formal cemeteries, located in the immediate vicinity of the project site. Thus, this impact would be less than significant.

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

The analysis of cumulative impacts on historical resources considers past, present, and reasonably foreseeable future projects within a 0.25-mile radius of the project site. The planning department has identified eight environmental cases within this area associated with projects either under construction or for which entitlements have been approved. These projects are listed in Table 2 on page 7.

Those past, present, and reasonably foreseeable future projects would be constructed in a densely developed urban environment and would be minimally visible from locations outside of their immediate vicinities. These projects are geographically dispersed and sufficiently removed from the project site such that any alteration or demolition of existing buildings and new construction in these locations would not act in combination with one another to substantially change the setting of any historical resource. Thus, these projects in combination with one another would not materially alter the characteristics that qualify any of the historical resources for listing in the California Register, and would not contribute to any cumulative impacts on historical resources.

Impact C-CR-2: The proposed project in combination with past, present, and reasonably foreseeable future projects in the vicinity would not result in cumulative impacts to archeological resources or human remains. (Less than Significant)

Archeological resources and human remains are non-renewable resources of a finite class. All adverse effects to archeological resources erode a dwindling cultural/scientific resource base. Federal and state laws protect archeological resources in most cases, either through project redesign or by requiring that the scientific data present within an archeological resource be archeologically recovered. As discussed above, the proposed project would not have a significant impact related to archeological resources, and the project's impact, in combination with other projects in the area that would also involve ground disturbance, and that also could encounter previously recorded or unrecorded archeological resources or human remains, would not result in a cumulatively considerable significant cumulative impact.

<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>
4. TRIBAL CULTURAL RESOURCES. Would the project:					
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 type="checkbox"/>	<input checked="" 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 Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact TC-1: The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. (Less than Significant)

CEQA section 21074.2 requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in CEQA section 21074, tribal cultural resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and that are listed, or determined to be eligible for listing, on a national, state, or local register of historical resources. Pursuant to CEQA section 21080.3.1, on January 31, 2019, the planning department requested consultation with Native American tribes regarding the potential for the proposed project to affect tribal cultural resources. The planning department received no response requesting consultation from any representative of a Native American tribe during the 30-day comment period.

Based on the background research, there are not known tribal cultural resources in the project area. Moreover, the project site is not located in an archeological sensitive area; therefore, the potential for the site to contain tribal cultural resources is very low. Based on this, impacts on tribal cultural resources would be less than significant.

Impact C-TC-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. (Less than Significant)

Impacts related to tribal cultural resources are typically site-specific and generally limited to the immediate construction area. As discussed above, under TC-1, project-level impacts would be less than significant. Moreover, there are no other projects that have the potential to be affected by the proposed project. Thus, the proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in a less-than-significant cumulative impact on tribal cultural 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>
5. TRANSPORTATION AND CIRCULATION. Would the project:					
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"/>

Impact TR-1: The proposed project would not conflict with a program, plan, ordinance, or policy addressing circulation systems; would not conflict or be inconsistent with CEQA Guideline section 15064.3(b); would not substantially increase hazards due to a design feature or incompatible uses; and would not result in an inadequate emergency access (Less than Significant)

Vehicle Miles Traveled in San Francisco and Bay Area

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 vehicle miles traveled (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 (the 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 an 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 over-estimate VMT.²⁹

For residential development, the existing regional average daily VMT per capita is 14.6.³⁰ San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, using the same methodology as outlined above for existing conditions, but includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040. For residential development, the projected 2040 regional average daily VMT per capita is 13.7.

Vehicle Miles Traveled Analysis

Land use projects may cause substantial additional VMT. The following identifies thresholds of significance and screening criteria used to determine if a land use project would result in significant impacts under the VMT metric.

Per San Francisco Transportation Impact Analysis Guidelines,³¹ for residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent. For office projects, a project would generate substantial additional VMT if it exceeds the regional VMT per employee minus 15 percent. As documented in the proposed

²⁹ San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

³⁰ Includes the VMT generated by the project.

³¹ Updated February 14, 2019. Available at <https://sfplanning.org/project/transportation-impact-analysis-guidelines-environmental-review-update#impact-analysis-guidelines>.

transportation impact guidelines, a 15 percent threshold below existing development is “both reasonably ambitious and generally achievable.”

California Office of Planning and Research’s (OPR’s) proposed transportation impact guidelines provides screening criteria to identify types, characteristics, or locations of land use projects that would not exceed these VMT thresholds of significance. OPR recommends that if a project or land use proposed as part of the project meets any of the below screening criteria, then VMT impacts are presumed to be less than significant for that land use and a detailed VMT analysis is not required. These screening criteria and how they are applied in San Francisco are described below:

- *Map-Based Screening for Residential, Office, and Retail Projects.* OPR recommends mapping areas that exhibit where VMT is less than the applicable threshold for that land use. Accordingly, the transportation authority has developed maps depicting existing VMT levels in San Francisco for residential, office, and retail land uses based on the SF-CHAMP 2012 base-year model run. The planning department uses these maps and associated data to determine whether a proposed project is located in an area of the city that is below the VMT threshold.
- *Small Projects.* OPR recommends that lead agencies may generally assume that a project would not have significant VMT impacts if the project would either: (1) generate fewer trips than the level required for studying consistency with the applicable congestion management program; or (2) where the applicable congestion management program does not provide such a level, fewer than 100 vehicle trips per day. The transportation authority’s 2015 San Francisco Congestion Management Program does not include a trip threshold for studying consistency. Therefore, the planning department uses the 100 vehicle trip per day screening criterion as a level at which projects generally would not generate a substantial increase in VMT.
- *Proximity to Transit Stations.* OPR recommends that residential, retail, and office projects, as well as projects that are a mix of these uses, proposed within 0.5 miles of an existing major transit stop (as defined by CEQA Guidelines section 21064.3) or an existing stop along a high quality transit corridor (as defined by CEQA Guidelines section 21155) would not result in a substantial increase in VMT. However, this presumption would not apply if the project would: (1) have a floor area ratio of less than 0.75; (2) include more parking for use by residents, customers, or employees of the project than required or allowed, without a conditional use; or (3) is inconsistent with the applicable sustainable communities strategy.

The existing average daily VMT per capita for the transportation analysis zone the project site is located in, TAZ 794, is below the existing regional average daily VMT. In TAZ 794, the average daily VMT per capita for residential uses is 6.9, which is 47 percent below the existing regional average daily VMT per capita for residential uses of 14.6. Therefore, the project site is located within an area of the city where the existing VMT is more than 15 percent below the regional VMT, and the proposed project would not generate substantial additional VMT. Future 2040 average daily VMT per capita for TAZ 794 is 6.7; this is 49 percent below the future 2040 regional average daily VMT per capita of 13.7. Furthermore, the project meets the proximity to transit stations screening criterion, which also indicates that the proposed project use would not cause substantial additional VMT.

Project Travel Demand

Localized trip generation of the proposed project was calculated using a trip-based analysis and information in the 2002 Transportation Impact Analysis Guidelines for Environmental Review developed by the San Francisco Planning Department.³²

The proposed project would expand an existing (currently vacant) single-family residence and add an accessory dwelling unit. It is anticipated that the project would result in an additional five residents who would add approximately 18 daily person-trips, 10 daily auto trips, and two PM peak-hour auto trips.³³

During the three- to five-month project construction period, trucks would travel to and from the project site. It is not anticipated that any construction-related lane closure would be required; however, if required, a lane closure permit would be secured to accommodate this work scope. Lane and sidewalk closures are subject to review and approval by San Francisco Public Works and the Transportation Advisory Staff Committee, which consists of representatives from the Fire Department, Police Department, MTA Traffic Engineering Division, and San Francisco Public Works. Due to its temporary duration and limited scope, project-related construction impacts on traffic generally would not be considered significant.

No transit lines run along Green Street in front of the project site; the nearest transit lines to the project site are the 41 Union line that runs along Union Street, one block north of the project site, and the 22 Fillmore line that runs along Fillmore Street, a block and a half east of the project site. Pedestrian use is typical of a residential neighborhood. The project would not generate a significant number of additional trips and would not change transit, bicycle, or pedestrian conditions in the project vicinity. During project construction, truck traffic and any construction activities would be noticeable to transit users, bicycle riders, and pedestrians in the project vicinity; however, construction-related impacts would be less than significant due to their temporary duration and limited scope.

The project is an infill site as defined under CEQA Guideline section 15064.3(b); thus, as discussed above under Public Resources Code section 21099, parking is not considered in determining whether a project has the potential to result in significant environmental effects.³⁴ The project involves alterations to an existing single-family home and the addition of an accessory dwelling unit. All physical changes would be on the project site and not in the public right-of-way (other than the addition of a street tree). Thus, the project would not substantially increase hazards due to a design feature or incompatible uses and would not result in inadequate emergency access. Furthermore, the project would not conflict with any plans, programs, or ordinances addressing circulation systems because the project would not modify any roadways in a way that could affect circulation.

32 In February 2019, the Planning Department published an update to the 2002 *Transportation Impact Analysis Guidelines for Environmental Review*. The guidelines updated some of the transportation significance criteria and methodology but would not change the less-than-significant impact conclusions herein.

33 San Francisco Planning Department, Transportation Calculations for 2417 Green Street, February 1, 2019.

34 San Francisco Planning Department, Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis, 2417 Green Street, February 1, 2019.

In conclusion, project impacts related to transportation and circulation are less than significant.

Impact C-TR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would result in less-than-significant cumulative impacts related to transportation and circulation. (Less Than Significant)

Construction of the proposed project could overlap with construction of nearby cumulative development projects. For the purposes of transportation analysis, the cumulative setting includes development projects within a quarter-mile radius of the project site, as identified in Table 2 on page 7. None of these cumulative development projects would introduce incompatible uses that would adversely impact transportation and circulation in the project vicinity or combine with construction of the proposed project to result in cumulative construction-related impacts. Thus, the proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in a less-than-significant cumulative impacts related to transportation and circulation.

<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>
6. NOISE. Would the project result in:					
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 type="checkbox"/>	<input checked="" 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"/>

The project site is not within the vicinity of an airstrip or airport. Therefore, topic 6c is not applicable.

Impact NO-1: During project construction, the proposed project would not generate substantial temporary noise levels in excess of established standards. (Less than Significant)

The construction period for the proposed project would last approximately three to five months and would generally consist of excavation, structural and seismic upgrades, interior renovations, and exterior work. Excavation and building construction would temporarily increase noise that could be considered an annoyance by occupants of nearby properties. The amount of construction noise generated at any one time would vary depending on the types of construction activities

underway, numbers and types of pieces of heavy equipment and duration of use of each, distance between noise source and listener, and presence or absence of barriers (including subsurface barriers) between the noise source and the receptors. Table 3 identifies typical noise levels from construction equipment. There would be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site.

Table 3 – Typical Noise Levels from Construction Equipment

Construction Equipment	Noise Level (dBA, Leq at 50 feet)	Noise Level (dBA, Leq at 100 feet)
Jackhammer (Pavement Breaker) ¹	88	82
Hoe ram	90	94
Drill rig truck	79	73
Loader	79	73
Dozer	82	76
Excavator	81	75
Grader	85	79
Dump truck	76	70
Flatbed truck	74	68
Concrete truck	81	75
Forklift (gas-powered)	83	77
Generator	81	75
Compressor	78	72
San Francisco Noise Ordinance Limit	86	80

Source: Federal Highway Administration, Roadway Construction Noise Model User Guide, 2006.

Notes:

Leq noise levels are calculated assuming a 100 percent usage factor at full load (i.e., Lmax noise level 100 percent) for the one-hour measurement period. Noise levels in **bold** exceed the Noise Ordinance limit, but as indicated in note 1, two of the exceedances are exempt from this limit.

1. Exempt from the ordinance noise limit of 86 dBA at 50 feet or 80 dBA at 100 feet.

In San Francisco, construction noise is regulated by the San Francisco Noise Ordinance (San Francisco Police Code article 29). The 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. To comply with the Noise Ordinance, impact tools (e.g., jackhammers, hoe rams, impact wrenches) must have manufacturer-recommended and City-approved mufflers for both intake and exhaust. Furthermore, section 2908 of the police code prohibits construction work between 8:00 p.m. and 7:00 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.

As discussed above under Project History, some project excavation below the existing building has already occurred. Additional excavation would be conducted using a pneumatic pavement breaker (hand-held jackhammer). Excavation would occur in sections for one to two weeks over a period of three to five months. No nighttime construction would occur for the proposed project and no

pile driving would be necessary. The project would be required to comply with regulations set forth in the Noise Ordinance.

Because the project would not use heavy equipment, and would comply with noise regulations, and because noise associated with construction activities would be temporary and intermittent, construction noise impacts would be less than significant.

Impact NO-2: During construction, the proposed project would not generate excessive groundborne vibration. (Less than Significant)

Excavation and building construction would temporarily increase noise and produce groundborne vibration in the project vicinity. Construction equipment would generate vibration that could be considered an annoyance by occupants of nearby properties.

The project would require excavation of approximately 408 cubic yards of soil and rock to a depth of 13 feet below grade. As discussed under Project Description, above, some project excavation below the existing building has already occurred. Additional excavation would be conducted in sections for one to two weeks over a period of three to five months using a hand-held jackhammer with a force rating of 90 pounds. A vibration assessment was conducted for the proposed project.³⁵ The vibration assessment determined that if the jackhammer were operating 3 feet from any adjacent residence, the estimated ground vibration would be within the range of 0.05 to 0.25 inches per second. A conservative limit of 0.5 inches per second is suggested by the U.S. Bureau of Mines to help prevent minor cosmetic damage to buildings (i.e., 'hairline' cracking of gypsum board or plaster finishes). The estimated ground vibration of 0.05 to 0.25 inches per second is below the conservative threshold of 0.5 inches per second; thus, project construction would not result in vibration that has the potential to cause a significant impact and construction-related vibration impacts of the proposed project would be less than significant.

Construction impacts on adjacent foundations are addressed under Impact GE-1 (geology and soils) on page ~~59~~ 60.

Impact NO-3: During project operation, the proposed project would not generate excessive groundborne vibration or noise levels. (Less than Significant)

The project site is in an urbanized area with ambient noise levels typical of those in San Francisco's residential neighborhoods. The primary source of ambient noise in the project vicinity is traffic flow. San Francisco traffic noise modeling indicates that existing noise levels at the project site range from 55 to 60 Ldn.³⁶

The project proposes alterations to an existing dwelling unit and the addition of a new accessory dwelling unit. Vehicular traffic makes the greatest contribution to ambient noise levels throughout most of San Francisco. Based on published scientific acoustic studies, the traffic volumes in a given

³⁵ Charles M. Salter Associates Inc., 2417 Green Street Vibration Assessment, June 15, 2018.

³⁶ San Francisco Planning Department, Traffic Noise Model, May 3, 2017. Ldn is the average equivalent sound level over a 24-hour period, with a penalty added for noise during the nighttime hours of 10:00 p.m. to 07:00 a.m. During the nighttime period, 10 decibels is added to reflect the impact of the noise.

location would need to approximately double to produce an increase in ambient noise levels noticeable to most people.³⁷ Implementation of the proposed project would increase the number of daily vehicle trips to and from the project site by approximately 10 trips,³⁸ which would represent a negligible increase in existing traffic volumes on the surrounding streets and would not cause a noticeable increase in the ambient noise level in the project vicinity.

The proposed project would not require an emergency generator but may include small-scale mechanical equipment, specifically an HVAC system, that could produce operational noise. These operations would be subject to section 2909 of the City's Noise Ordinance (Article 29 of the San Francisco Police Code). Given its size and scale, the stationary equipment at the proposed two-unit residential building is unlikely to generate noise that exceeds established standards or results in a substantial permanent increase in ambient noise levels. Thus, operational noise and vibration impacts would be less than significant.

Impact C-NO-1: The implementation of the proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a significant cumulative noise or vibration impacts. (Less than Significant)

Cumulative Construction Noise

The projects listed in Table 2 on page 7 are located one or more blocks away from the project site and therefore would be unlikely to combine in a way that would result in cumulative noise impacts. Moreover, construction noise from the proposed project and other nearby projects would be temporary and intermittent. Thus, project noise effects would not combine with past, present and reasonably foreseeable future projects to result in cumulative construction noise impacts.

Cumulative Vibration

Vibration effects associated with construction the projects listed in Table 2 would be far enough away from the project site such that they would not combine to result in cumulative vibration impacts. Thus, cumulative construction vibration impacts are less than significant.

Cumulative Operational Noise

Past and present development in the project vicinity may result in permanent increases in ambient noise levels from traffic and temporary and periodic increases from repeated and ongoing episodes of major construction. Recently approved and reasonably foreseeable nearby projects listed in Table 2, including the proposed project, would be expected to result in continuing increases in traffic volumes and associated traffic noise, but traffic would be distributed along local roadways and would not result in a doubling of traffic volumes along nearby streets. Moreover, the proposed project's mechanical equipment and mechanical equipment from reasonably foreseeable cumulative projects would be required to comply with the Noise Ordinance. Therefore, in combination with reasonably foreseeable cumulative projects, the proposed project would not

³⁷ FHWA. Highway Traffic Noise Analysis and Abatement Guidance, https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf, accessed May 11, 2018.

³⁸ San Francisco Planning Department, Transportation Calculations for 2417 Green Street, February 1, 2019.

make a considerable contribution to any significant noise impacts during project operation, and cumulative operational 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>
7. AIR QUALITY. Would the project:					
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"/>

Overview

The Bay Area Air Quality Management District (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 federal and state air quality standards in the air basin, 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 is 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 an air quality plan.

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 (NO₂), sulfur dioxide (SO₂), 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 attainment³⁹ or unclassified for most criteria air pollutants with the exception of ozone, PM_{2.5}, and PM₁₀, 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.⁴⁰

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 4 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.

39 "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.

40 Bay Area Air Quality Management District, CEQA Air Quality Guidelines, page 2-1, May, 2017, http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed November 15, 2017.

Table 4 – Criteria Air Pollutant Significance Thresholds

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 _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
Fugitive dust	Construction Dust Ordinance or other best management practices	Not applicable	

Source: Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017, page 2-1.

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_x). 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_x, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).⁴¹ 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.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO_x 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_x emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

Particulate Matter (PM₁₀ and PM_{2.5}).⁴² The air district has not established an offset limit for PM_{2.5}. However, the emissions limit in the federal New Source Review for stationary sources in nonattainment areas is an appropriate significance threshold. For PM₁₀ and PM_{2.5}, 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

⁴¹ Bay Area Air Quality Management District 2009, Revised Draft Options and Justification Report, CEQA Thresholds of Significance, page 17, http://sfmea.sfplanning.org/2014.0653E_Revised_FND.pdf, accessed February 19, 2019.

⁴² PM₁₀ is often termed “coarse” particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM_{2.5}, termed “fine” particulate matter, is composed of particles that are 2.5 microns or less in diameter.

to have an impact on air quality.⁴³ 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 control fugitive dust⁴⁴ and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.⁴⁵ The air district has identified a number of best management practices to control fugitive dust emissions from construction activities.⁴⁶ The City's Construction Dust Control Ordinance (ordinance 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 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 SO₂ concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO₂ 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 SO₂. Furthermore, the air district has demonstrated, based on modeling, that to exceed the California ambient air quality standard of 9.0 ppm (parts per million) (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 SO₂ emissions that could result from development projects, development projects would not result in a cumulatively considerable net increase in CO or SO₂ 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 to 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.

⁴³ Ibid. Footnote 63, page 16.

⁴⁴ Western Regional Air Partnership, 2006, WRAP Fugitive Dust Handbook, September 7, http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf, accessed May 11, 2018.

⁴⁵ Bay Area Air Quality Management District, CEQA Air Quality Guidelines, page D-47, May, 2017.

⁴⁶ Ibid.

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.⁴⁷

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 for 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.⁴⁸ 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_{2.5}) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.⁴⁹ In addition to PM_{2.5}, diesel particulate matter is also of concern. The California Air Resources Board (California air board) identified diesel particulate matter as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.⁵⁰ 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. The project site is not located within the Air Pollutant Exposure Zone. Each of the Air Pollutant Zone criteria is discussed below.

Excess Cancer Risk. The Air Pollution Exposure Zone includes areas where modeled cancer risk exceeds 100 incidents per million persons exposed. This criterion is based on United States Environmental Protection Agency (U.S. EPA) guidance for conducting air toxic analyses and

⁴⁷ 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 toxic air contaminants.

⁴⁸ California Office of Environmental Health Hazard Assessment, 2015, Air Toxics Hot Spot Program Risk Assessment Guidelines, Pg. 4-44, 8-6, February, <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>.

⁴⁹ San Francisco Department of Public Health, 2014, Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review.

⁵⁰ California Air Resources Board (ARB), Fact Sheet, The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines, October, 1998.

making risk management decisions at the facility and community-scale level.⁵¹ As described by the air district, the U.S. EPA considers a cancer risk of 100 per 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,⁵² the U.S. 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.⁵³

Fine Particulate Matter. U.S. EPA staff’s 2011 review of the federal PM_{2.5} standard concluded that the then current federal annual PM_{2.5} standard of 15 µg/m³ (micrograms per cubic meter) should be revised to a level within the range of 13 to 11 µg/m³, with evidence strongly supporting a standard within the range of 12 to 11 µg/m³.⁵⁴ The Air Pollutant Exposure Zone for San Francisco is based on the health protective PM_{2.5} standard of 11 µg/m³, as supported by the U.S. EPA’s assessment, although lowered to 10 µg/m³ 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,⁵⁵ 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_{2.5} concentrations in excess of 9 µg/m³.⁵⁶

51 Ibid. Footnote 63, page 67.

52 54 Federal Register 38044, September 14, 1989.

53 Bay Area Air Quality Management District, 2017, Clean Air Plan, page D-43.

54 U.S. EPA, Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards. “Particulate Matter Policy Assessment,” April, 2011, <https://www3.epa.gov/ttn/naaqs/standards/pm/data/20110419pmpafinal.pdf>, accessed February 19, 2019.

55 California Air Resources Board, 2005 Air Quality and Land Use Handbook: A Community Health Perspective. April, <http://www.arb.ca.gov/ch/landuse.htm>.

56 San Francisco Planning Department and San Francisco Department of Public Health, 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.

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 the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code Article 38 (ordinance 224-14, effective December 8, 2014) (article 38). The purpose of article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant 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.

Impact AQ-1: The 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 plan, this analysis considers whether the project would: (1) support the primary goals of the plan, (2) include applicable control measures from the plan, and (3) avoid disrupting or hindering implementation of control measures identified in the plan.

The primary goals of the 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 toxic air contaminants; and (3) protect the climate by reducing greenhouse gas emissions. To meet the primary goals, the 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 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 plan includes 85 control measures aimed at reducing air pollution in the air basin.

The measures applicable to the proposed project site are in the transportation sector (bicycle parking requirement), energy efficiency sector (water and energy conservation requirements), waste reduction sector (mandatory recycling and composting and demolition debris recycling requirements) and environment/conservation sector (tree planting requirements, construction site runoff prevention best management practices, and the use of low-emission building materials). The proposed project's impact with respect to greenhouse gases are discussed in Section F.8, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City'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 project would avoid

substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 10 daily 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 D above under Plans and Policies. 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 the 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 expand an existing, vacant single-family home and add an accessory dwelling unit in 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, and 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.

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.

Impact AQ-2: The project's construction activities would generate fugitive dust and criteria air pollutants but would not 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 would expand an existing single-family home and add an accessory dwelling unit. During the project's approximately three- to five-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_{2.5} concentrations to state and federal standards of 12 µg/m³ in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.⁵⁷

In response, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (ordinance 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 to avoid orders to stop work by the Department of Building Inspection.

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 Department of Building Inspection. The Director of the Department of Building Inspection may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated material, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 mil (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques. San Francisco ordinance 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. Non-potable water must be used for soil compaction and dust control activities during project construction and

⁵⁷ 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.

demolition. The San Francisco Public Utilities Commission 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 fugitive dust generated by the project's construction activities would not result in a cumulatively considerable net increase in criteria air pollutants.

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 4 on page 34 35, 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 greenfield⁵⁸ 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 would expand an existing single-family home and add an accessory dwelling unit. The size of proposed construction activities would be well below the criteria air pollutant screening sizes identified in the air district's *CEQA Air Quality Guidelines*. Thus, quantification of construction-related criteria air pollutant emissions is not required, and the proposed project's construction activities would result in a less-than-significant criteria air pollutant impact.

In conclusion, the project would not 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.

Impact AQ-3: The project's construction activities 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. During project construction, emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the project would be required to comply with California regulations limiting idling to no more than five minutes.⁵⁹ Thus, the proposed project would not generate toxic air contaminants, including diesel particulate matter,

⁵⁸ A greenfield site refers to agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

⁵⁹ California Code of Regulations, Title 13, Division 3, § 2485 (on-road) and § 2449(d)(2) (off-road).

exposing sensitive receptors to substantial air pollutant concentrations, and this impact would be less than significant.

Operational Air Quality Impacts

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants 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-4: Project operations would not result in a cumulatively considerable net increase in criteria air pollutants and would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant)

As discussed above in Impact AQ-2, 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 would expand an existing single-family home and add an accessory dwelling unit. The proposed project would be well below the criteria air pollutant screening sizes for construction and operation of low- and mid-rise apartments identified in the air district's CEQA Air Quality Guidelines. Thus, the proposed project would not result in a cumulatively considerable net increase in criteria air pollutants.

Vehicle trips are the primary source of toxic air contaminants that could result in health risk impacts to sensitive receptors (i.e., people exposed to the toxic air contaminants). The proposed project's estimated 10 daily vehicle trips would be well below the 10,000 vehicle-per-day 'minor, low-impact' source of toxic air contaminants that the Bay Area Air Quality Management District estimates could pose a significant health risk. Also, as noted above, the proposed project would not require an emergency generator. Therefore, the proposed project would not exposure sensitive receptors to substantial pollutant concentrations, and this impact is less than significant.

Impact AQ-5: 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. The proposed project's new residential use would not be a significant source of new odors. Therefore, odor impacts would be less than significant.

Cumulative Air Quality Impacts

Impact C-AQ-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area would not contribute to cumulative air quality impacts. (Less than Significant)

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.⁶⁰ 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-2) and operational (Impact AQ-4) 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. Furthermore, as discussed above, the project site is not located in an area that already experiences poor air quality and project operations would not contribute to substantial pollutant concentrations or other emissions. Thus, cumulative air quality 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>
8. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

Greenhouse gas (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

⁶⁰ Bay Area Air Quality Management District, CEQA Air Quality Guidelines, page 2-1, May 2017.

sections 15064.4 and 15183.5, which address the analysis and determination of significant impacts 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 Emissions⁶¹ 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,⁶² 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).⁶³

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 order S-3-05,⁶⁴ order B-30-15,^{65,66} and Senate Bill 32,^{67,68} the City's GHG reduction goals are consistent with order S-3-05, order 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.

61 San Francisco Planning Department, 2017, Strategies to Address Greenhouse Gas Emissions in San Francisco, 2017, <https://sfplanning.org/project/greenhouse-gas-reduction-strategies>, accessed February 19, 2019.

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

63 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.

64 Office of the Governor, Executive Order S-3-05, 2005, <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 (MTCO₂E)); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO₂E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO₂E). 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.

65 Office of the Governor, Executive Order B-30-15, April 29, 2015. <https://www.gov.ca.gov/news.php?id=18938>, accessed November 15, 2017. 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 MTCO₂E).

66 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.

67 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.

68 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.

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 involves the expansion of an existing single-family home and the addition of an accessory dwelling unit. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential 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 efficiency, waste reduction, and conservation.

Compliance with the City's bicycle parking requirements would reduce the proposed project's transportation-related emissions by reducing GHG emissions from single-occupancy vehicles and promoting the use of alternative transportation modes with zero GHG emissions. The City's energy efficiency requirements that are applicable to the project include residential water conservation measures (showerhead and faucet replacement) and residential energy conservation measures (attic insulation).

The City's waste-reduction requirements that are applicable to the project include mandatory recycling and composting and construction and demolition debris recycling. Compliance with these measures would reduce the amount of materials sent to a landfill, thus reducing GHGs emitted by landfill operations, and promoting the reuse of materials, which conserves their embodied energy⁶⁹ and reduces the energy required to produce new materials. In the environment/conservation sector, the project would comply with the City's street tree planting requirements (which increase carbon sequestration), wood-burning device restrictions (which

⁶⁹ Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

reduce emissions of GHGs and black carbon), and use low-emitting finishes (which limits the release of volatile organic compounds⁷⁰).

Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.⁷¹ These regulations 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 goals of Executive Order S-3-05, Executive Order 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 Order S-3-05, Executive Order 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.

<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>
9. WIND. Would the project:					
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)

In San Francisco, average winds speeds are the highest in the summer and lowest in winter. However, the strongest peak wind speeds occur in winter. The highest average wind speeds occur in mid-afternoon and the lowest in the early morning. Based on over 40 years of recordkeeping, the highest mean hourly wind speeds (approximately 20 mph) occur midafternoon in July, while the lowest mean hourly wind speeds (in the range of 6 to 9 mph) occur throughout the day in November. Meteorological data collected at the old San Francisco Federal Building at 50 United

⁷⁰ 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.

⁷¹ San Francisco Planning Department, Greenhouse Gas Analysis: Compliance Checklist for 2417 Green Street, January 31, 2019.

Nations Plaza over a six-year period⁷² show that westerly⁷³ through northwesterly winds are the most frequent and strongest winds during all seasons. Of the 16 primary wind directions, four have the greatest frequency of occurrence: these are northwest, west-northwest, west, and southwest (referred to as prevailing winds).

Analysis of the Federal Building wind data shows that during the hours from 6:00 a.m. to 8:00 p.m., about 70 percent of the winds blow from five adjacent directions of the 16 directions as follows: northwest (10 percent of all winds), west-northwest (14 percent of all winds), west (35 percent of all winds), west-southwest (accounting for 2 percent of all winds), and southwest (9 percent of all winds). In San Francisco, over 90 percent of all measured winds with speeds over 13 mph blow from these five directions. The other 10 percent of winds over 13 mph are from storms and can come from any other direction.

Section 148 of the San Francisco Planning Code establishes wind comfort and wind hazard criteria used to evaluate new development in four areas of the city. Section 148 provides that any new building or addition in these areas of the city that would cause wind speeds to exceed the hazard level of 26-mph-equivalent wind speed (as defined in the planning code) more than one hour of any year must be modified to meet this criterion. (The 26 mph standard accounts for short-term—three-minute averaged—wind observations at 36 mph as equivalent to the frequency of an hourly averaged wind of 26 mph. As noted above, winds over 34 mph make it difficult for a person to maintain balance, and gusts can blow a person over.) While the proposed project is not subject to section 148, the planning department uses the wind hazard criterion as the CEQA significance threshold to determine whether a proposed project would substantially alter ground-level winds in public areas in an adverse manner.

Building structures near or greater than 100 feet in height could create pedestrian level conditions such that the wind hazard criterion of 26-mph-equivalent wind speed for a single hour of the year would be exceeded. There is no threshold height that triggers the need for wind-tunnel testing to determine whether the building design would result in street-level winds that exceed the standard. It is generally understood, however, from many prior wind-tunnel tests on a variety of projects throughout San Francisco that most, if not all, buildings under 80 feet do not result in adverse wind effects at street level, barring unusual circumstances.

The proposed project would construct one- and three-story horizontal rear additions, and third and fourth floor vertical additions that would not exceed the existing approximately 45-foot-tall building. Because the project elements would all be well below 100 feet tall and because the project site is not located near any other tall buildings, the project would not alter wind in a manner that creates wind hazards in publicly accessible areas. Therefore, impacts related to wind hazards in publicly accessible areas of substantial pedestrian use would be less than significant.

72 Arens, E. et al., "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance," Building and Environment, Vol. 24, No. 4, pages 297-303, 1989.

73 Wind directions are reported as directions from which the winds blow.

Impact C-WI-1: The proposed project, in combination with other past, present, and reasonably foreseeable projects, would not result in cumulatively considerable impacts related to wind. (Less than Significant)

As discussed above, the proposed modification to the building would be less than 100 feet tall and would not alter wind in a manner that substantially affects public areas. For this reason, the project would not combine with cumulative development projects to create or contribute to a cumulative wind impact.

<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>
10. SHADOW. Would the project:					
a) Create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open space?	<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 space. (Less than Significant)

In an urban environment, shadow is a function of the height, size, and massing of buildings and other elements of the built environment, and the angle of the sun. The angle of the sun varies due to the time of day (from rotation of the earth) and the change in seasons (due to the earth's elliptical orbit around the sun and the earth's tilted axis). Morning and afternoon shadows are typically longer because the sun is lower in the sky. The longer mid-day shadows are cast during the winter, when the mid-day sun is lowest in the sky, and the shorter mid-day shadows are cast during the summer, when the mid-day sun is higher in the sky. At the time of the summer solstice (which falls on approximately June 21 of every year), the mid-day sun is highest in the sky, and the longest day and shortest night occur on this date. Conversely, the shortest day and longest night occur on the winter solstice (which falls on approximately December 21 of every year). The vernal and fall equinoxes (when day and night are equal in length) represent the halfway point between solstices.

San Francisco Planning Code section 295, which was adopted in response to Proposition K (passed November 1984), mandates that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of, or designated to be acquired by, the Recreation and Parks Department cannot be approved by the Planning Commission (based on recommendation from the Recreation and Park Commission) if the shadow "will have any adverse impact on the use" of the park, unless the impact is determined to be insignificant. The proposed project would expand an existing four-story 45-foot-tall single-family home and add one accessory dwelling unit but would not have the potential to cast new shadow on nearby parks or open spaces. Section 295(a)(4) exempts "structures of the same height and in the same location as structures in place on June 6, 1984." In any event, a 43-foot shadow fan illustrates that project would not cast

shadow on Recreation & Parks land or publicly accessible open space.⁷⁴ The park and recreational facilities closest to the project site are the 11.9-acre Alta Plaza located four blocks south of the project site, and the 1,480-acre Presidio of San Francisco, located five blocks west of the project site. Given the distance between the project site and these parks, as well as the existing and proposed height of the building (approximately 45 feet tall), the proposed project would not result in new shadow on nearby publicly accessible open spaces.

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 that substantially and adversely affects the use and enjoyment of publicly accessible open space.

Impact C-SH-1: The proposed project, in combination with other past, present, and reasonably foreseeable projects, would not result in cumulatively considerable impacts related to shadow. (Less than Significant)

As discussed above, the proposed building would not result in any net new shadow on any publicly accessible open spaces, and thus would not combine with cumulative development projects to create or contribute to a cumulative shadow impact.

<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>
11. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

⁷⁴ San Francisco Planning Department, 2417 Green Street Shadow fan modeled from proposed 43-foot tall building, May 30, 2019. At its highest point, the existing building is almost 45 feet tall. Since it is on an upsloping lot, the height varies along with the slope and gradually becomes shorter as the grade increases towards the rear. With the proposed alteration to the roofline, the project would result in a decrease in the building height at the front by approximately 3 feet.

Impact RE-1: The proposed project would not increase the use of existing parks and recreational facilities, would not deteriorate any such facilities, and would not require the expansion of such facilities. (Less than Significant)

As noted above, the park and recreational facilities closest to the project site are the 11.9-acre Alta Plaza located four blocks south of the project site, and the 1,480-acre Presidio of San Francisco, located five blocks west of the project site. The project site would provide passive recreational uses onsite for the residents through the approximately 600-square-foot backyard. In addition, residents of the proposed units would be within walking distance of the above-noted open spaces.

The projected five new permanent residents on the project site would not substantially increase demand for, or use of, neighborhood parks or recreational facilities such that substantial physical deterioration would be expected. Also, the new residents would not require the construction of new recreational facilities or the expansion of existing facilities. For these reasons, the proposed project would have a less-than-significant impact on recreational facilities and resources.

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

Cumulative residential development in the project vicinity would result in an intensification of land uses and a cumulative increase in the demand for recreational facilities and resources in the project vicinity and in the city overall. The City has accounted for such growth in the 2014 update of the Recreation and Open Space Element of the San Francisco General Plan.⁷⁵ In addition, San Francisco voters passed two bond measures, in 2008 and 2012, to fund the acquisition, planning, and renovation of City recreational 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 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>
12. UTILITIES AND SERVICE SYSTEMS.					
Would the project:					
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁷⁵ San Francisco Planning Department, San Francisco General Plan, Recreation and Open Space Element, April 2014, pp. 20-36, http://www.sf-planning.org/ftp/General_Plan/Recreation_OpenSpace_Element_ADOPTED.pdf, accessed May 20, 2016.

<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) 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 exceed the wastewater treatment capacity of the provider that would serve the project and 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. (Less than Significant)

Most of San Francisco, including the project site, is served by a combined wastewater system. Under such a system, sewage and stormwater flows are captured by a single collection system and the combined flows are treated through the same wastewater treatment plants. The San Francisco Public Utilities Commission (SFPUC) provides and operates water supply and wastewater treatment facilities for the city. Pacific Gas and Electric Company provides electricity and natural gas to the project site, and various private companies provide telecommunications facilities.

The proposed project would add an estimated five new residents to the currently vacant project site; this would result in an incremental increase in the demand for water and wastewater treatment, but not in excess of amounts expected and provided for in the project area by the SFPUC. Further, the proposed project would incorporate water-conserving design features, such as low-flush toilets and showerheads, which would reduce both water demand and wastewater production. Wastewater and water lines that serve the project site have sufficient capacity to serve the population added to the area by the project. The SFPUC's treatment facilities have adequate capacity to serve the growth anticipated in the general plan. The project would not cause collection treatment capacity of the sewer system in the city to be exceeded.

The project would result in an incremental increase in the demand for electricity, natural gas, and telecommunications, which is not in excess of amounts expected and provided for in the project area by utility service providers.

For the reasons discussed above, the utilities demand associated with the project-related residential population increase would not exceed the service capacity of the existing providers and would not require the construction of new facilities or expansion of existing facilities. Therefore, this impact would be less than significant.

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; therefore, the proposed project would not 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.

Water would be supplied to the proposed project from the SFPUC's Hetch-Hetchy regional water supply system. 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 15155.⁷⁶ The proposed project does not qualify as a "water-demand" project as defined by CEQA Guidelines section 15155(a)(1); therefore, a water supply assessment has not been prepared for the project. However, the SFPUC estimates that a typical development project in San Francisco comprised of either 100 dwelling units, 100,000 square feet of commercial use, 50,000 square feet of office, 100 hotel rooms, or 130,000 square feet of PDR use would generate demand for approximately 10,000 gallons of water per day, which is the equivalent of 0.011 percent of the total water demand anticipated for San Francisco in 2040 of 89.9 million gallons per day.⁷⁷ Because it would expand an existing single-family home and add one accessory dwelling unit, the proposed project would generate less than 0.011 percent of water demand for the city as a whole in 2040, which would constitute a negligible increase in anticipated water demand.

The SFPUC uses population growth projections provided by the planning department to develop the water demand projections contained in the urban water management plan. As discussed in Section F.2, Population and Housing, above, the proposed project would be encompassed within planned growth in San Francisco and is therefore also accounted for in the water demand projections contained in the urban water management plan. Because the proposed project would comprise a small fraction of future water demand that has been accounted for in the city's urban water management plan, sufficient water supplies would be available to serve the proposed project in normal, dry, and multiple dry years, and the project would not require or result in the relocation or construction of new or expanded water supply facilities the construction or relocation of which

76 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.

77 San Francisco Public Utilities Commission, 2015 Urban Water Management Plan for the City and County of San Francisco, June 2016. This document is available at <https://sfwater.org/index.aspx?page=75>

could cause significant environmental effects. This impact would be less than significant, and no mitigation measures are necessary.

Impact UT-3: The proposed project would not generate solid waste in excess of state or local standards, would not impair the attainment of solid waste reduction goals, and would comply with statutes, regulations, and reduction goals concerning solid waste. (Less than Significant)

In September 2015, the City entered into a landfill disposal agreement with Recology, Inc. for disposal of all solid waste collected in San Francisco, at the Recology Hay Road Landfill in Solano County, through September 2024 or until 3.4 million tons have been disposed, whichever occurs first. The City would have an option to renew the agreement for a period of six years or until an additional 1.6 million tons have been disposed, whichever occurs first.⁷⁸ The Recology Hay Road Landfill is permitted to accept up to 2,400 tons per day of solid waste. At that maximum permitted rate, the landfill has the capacity to accommodate solid waste until approximately 2034. Under existing conditions, the landfill receives an average of approximately 1,850 tons per day from all sources, with approximately 1,200 tons per day from San Francisco, which includes residential and commercial waste and demolition and construction debris that cannot be reused or recycled⁷⁹ (see discussion below). At the current rate of disposal, the landfill closure has operating capacity until 2041. The City's contract with the Recology Hay Road Landfill will extend until 2031 or when the City has disposed 5 million tons of solid waste, whichever occurs first. At that point, the City would either further extend the landfill contract or find and entitle an alternative landfill site.

The project's population is part of the population growth taken into account in the San Francisco General Plan 2014 Housing Element Update, as discussed under Section F.2, Population and Housing, and therefore can be assumed to have been taken into account in waste management planning. Further, the project would be required to implement the City's Mandatory Recycling and Composting Ordinance (No. 100-09), the objective of which is to minimize the City's landfill trash generation. In compliance with this ordinance, the project would be required to provide convenient facilities for the separation of recyclables, compostables and landfill trash for its users. Occupants of the project site would be required to separate disposed material.

Project construction also would generate demolition and construction waste. The City's Construction and Demolition Debris Recovery Ordinance prohibits construction and demolition material from being taken to landfill or placed in the garbage. All mixed debris must be transported by a registered hauler to a registered facility to be processed for recycling, and source separated material must be taken to a facility that recycles or reuses those materials. As discussed above, the City has access to adequate landfill capacity at least through 2031 and potentially through 2041 and anticipates that an adequate alternative site will be identified at that point. On this basis, the City has adequate solid waste capacity to serve the proposed project, and the project's impact with respect to landfill capacity would be less than significant.

⁷⁸ San Francisco Planning Department, Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County, Final Negative Declaration, Planning Department Case No. 2014.0653, May 21, 2015, http://sfmea.sfplanning.org/2014.0653E_Revised_FND.pdf, accessed February 19, 2019.

⁷⁹ CalRecycle, 2010, Jurisdiction diversion/disposal rate detail. <http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversionDetail.aspx?JurisdictionID=438&Year=2010>, accessed October 23, 2017.

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

Cumulative development in the project vicinity would incrementally increase demand for utilities and service systems within the city, but not beyond levels anticipated and planned for by the City's public service providers. The SFPUC has accounted for the anticipated growth in its wastewater service projections. The City also has implemented various programs to minimize generation of solid waste disposed to landfills from all projects, as discussed above. All development projects in the city, including development that contributes to demand for utility service in the immediate vicinity of the proposed project, as well as projects throughout the city that contribute to water demand and the demand for wastewater treatment and for solid waste disposal, are required to comply with the City's water conservation, wastewater minimization, and solid waste reduction ordinances and policies.

As explained in Impact UT-2 above, no single development project alone in San Francisco would require the development of new or expanded water supply facilities. The analysis provided in Impact UT-2 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. Therefore, no separate cumulative analysis is required.

Compliance with City ordinances would reduce the effects of cumulative demand for utility capacity and services such that service capacities would not be exceeded. In addition, electricity, natural gas, and telecommunications companies provide adequate services for the proposed project in combination with reasonably foreseeable future project; therefore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, has been accounted for in these plans and would not result in a cumulative utilities and service systems impact.

<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>
13. PUBLIC SERVICES. Would the project:					
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"/>

Impact PS-1: The proposed project would increase demand for police and fire protection services but would not require construction of new or physically altered facilities, associated with the provision of such services, that could cause significant environmental impacts. (Less than Significant)

The project site receives police protection services from the San Francisco Police Department. The Northern Police Station, located at 1125 Fillmore Street, approximately a mile south of the project site, serves the project site.⁸⁰ The station underwent seismic, structural, electrical and plumbing improvements in 2016 and no expansions of the station are proposed. Fire Station 16, located at 2251 Greenwich Street, is about a quarter mile northeast of the project site is being replaced and is currently under construction. The next closest fire station that currently provides first responder service to the project site is Fire Station 38 at 2150 California Street, about a mile southeast of the project site. A new public safety building, which serves as citywide police and fire headquarters, was completed in 2016. There are no current plans to construct or expand additional police or fire stations that serve the project area.

The project would add an estimated five residents to the project site. The project would comply with the regulations of the 2016 California Fire Code, which includes requirements for fire protection systems, such as the provision of smoke alarms and fire extinguishers, adequate building access, and emergency response systems.

For these reasons, the proposed project would not require the construction or alteration of a police or fire station or affect response times, service ratios, or other performance objectives related to police and fire protection services, and these impacts would be less than significant.

Impact PS-2: The proposed project would not result in a substantial increased demand for school facilities and would not require new or expanded school facilities. (Less than Significant)

The proposed project would add an estimated five new residents, which may include school-aged children who might attend schools operated by the San Francisco Unified School District (SFUSD). SFUSD ongoing enrollment forecasting allows the district to plan for additional expansion of its facilities if determined necessary. Given the SFUSD's overall capacity of almost 64,000 students,⁸¹ the increase of one or two students associated with the project would not substantially change the demand for schools, nor would the project result in the need for construction of new school facilities. The impact would be less than significant.

Impact PS-3: The proposed project would not substantially increase the demand for other government services, and would not necessitate the need for new or physically altered government facilities to meet service performance objectives. (Less than Significant)

The proposed project would increase the population of the city by approximately five residents. Population increase in the area from development of the proposed project would be nominal

⁸⁰ San Francisco Police Department, <http://sanfranciscopolice.org/police-district-maps>, accessed April 30, 2018.

⁸¹ San Francisco Unified School District. Growing Population, Growing Schools. SPUR Forum Presentation, Slide 14. August 31, 2016, https://www.spur.org/sites/default/files/events_pdfs/SPUR%20Forum_August%2031%202016.pptx_.pdf, accessed May 23, 2018.

compared to population growth for the city overall. The project area is adequately served by government facilities. The population of the proposed project would not generate the need for new or physically altered government facilities. Therefore, the proposed project would have a less-than-significant impact on governmental facilities.

In addition, the proposed project, in combination with the other residential and mixed-use projects proposed in the area, would incrementally increase demand for public services, which include fire and police protection, school services, and other governmental services. The Fire Department, the Police Department, other City agencies, and SFUSD have accounted for such growth in providing other public services to the residents of San Francisco. 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 public services.

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

The proposed project, in combination with other residential projects proposed in the area, would incrementally increase the demand for public services, which include fire and police protection, and other governmental services. The Fire Department, the Police Department, and other city agencies have accounted for such growth in providing other public services to the residents of San Francisco. 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 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>
14. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<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>
c) Have a substantial adverse effect on state or 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status species. Would not interfere with the movement of species, and would not conflict with the City's tree ordinance. (Less than Significant)

The project site is located in a developed area of San Francisco. It provides no habitat for special status plants or wildlife and does not include any riparian habitat or other sensitive natural communities as defined by the California Department of Fish and Wildlife and the United States Fish and Wildlife Service, or any state or federally protected wetlands. No trees are proposed for removal as part of the proposed project, and the proposed project does not fall within any local, regional or state habitat conservation plan areas. The project would not remove any trees protected by the City's Urban Forestry Ordinance (Public Works Code section 801 et seq.) and would plant a new street tree, in compliance with the public works code. Therefore, project-related biological impacts of the proposed project would be less than significant.

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)

As with the proposed project, nearby cumulative development projects would also be subject to federal, state, and local regulations related to biological resources. As with the proposed project, compliance with these ordinances would reduce the effects of development projects to less-than-significant levels.

The proposed project would not modify any natural habitat and would have no impact on any candidate, sensitive, or special-status species, any riparian habitat, or other sensitive natural community; and/or would not conflict with any local policy or ordinance protecting biological resources or an approved conservation plan. For these reasons, the proposed project would not have the potential to combine with past, present, and reasonably foreseeable future projects in the project vicinity to result in a significant cumulative impact related to biological resources. Therefore, there would be no cumulative impacts 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>
15. GEOLOGY AND SOILS. Would the project:					
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project would connect to San Francisco's sewer and stormwater collection and treatment system. It would not use a septic water disposal system. Therefore, Topic 15e is not applicable to the project.

Impact GE-1: The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground shaking, ground failure, or landslides. (Less than Significant with Mitigation)

San Francisco Permit Review Process

To ensure that the potential for adverse effects related to geology and soils is adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the California Building Code (state building code, California Code of Regulations, Title 24); the San Francisco Building Code (local building code), which is the state building code plus local amendments that supplement the state code, including the building department's administrative bulletins and information sheets.

The project site is located within an area of potential landslide hazard zone as identified on the 1974 Blume map. In 2018, the San Francisco Building Code was amended by the Slope and Seismic Hazard Zone Protection Act (Ordinance No. 121-18) to no longer reference the Blume map. However, Building Permit Application No. 201704285244 for the building expansion is subject to the building code provisions in effect on April 28, 2017, before Ordinance No. 121-18 became effective. On August 23, 2019, the building department documented that this project site and thus is not subject to the additional requirements of the Slope Protection Act (building code section 106A.4.1.4).^{82,83,84} The building department, during its review of the project's structural plans, may request the assistance of a structural design reviewer to provide additional and specialized expertise to supplement its plan review. The structural design reviewer would meet with the project sponsor's engineer of record and with building department staff as the need arises throughout the design process. The Slope Protection Act states that the final geotechnical report must be prepared and signed by both a licensed geologist and a licensed geotechnical engineer, which in turn shall undergo design review by a licensed geotechnical or civil engineer to verify that appropriate geological and geotechnical issues have been considered and that appropriate slope instability mitigation strategies, including drainage plans if required, are proposed.

~~Based on the review of the geotechnical submittal (discussed in more detail below), the building department director may also require that the project be subject to review by a three member Structural Advisory Committee that will advise the building department on matters pertaining to the building's design and construction. The three committee members must be selected from a list~~

⁸² ~~The project site is located within an area of potential landslide hazard as identified on the 1974 Blume map. In 2018, the San Francisco Building Code was amended by the Slope and Seismic Hazard Zone Protection Act (Ordinance No. 121-18) to no longer reference the Blume map. However, Building Permit Application 201704285244 for the building expansion was submitted before Ordinance No. 121-18 became effective, and thus the project is subject to DBI regulations in place before Ordinance No. 121-18 became effective.~~

⁸³ Cyril Yu, Supervisor, Permit Services, San Francisco Department of Building Inspection, email to Jeanie Poling regarding 2417 Green St PMND appeal, August 23, 2019.

⁸⁴ San Francisco Planning Department, 2417 Green St on Blume Map, August 28, 2019.

~~of qualified engineers submitted by the Structural Engineers Association of Northern California and approved by the building department. One member must be selected by the building department, one member shall be selected by the project sponsor, and the third member shall be selected jointly.~~

Existing Subsurface Conditions

The analysis in this section relies on the information and findings provided in the geotechnical investigation conducted for the proposed project.⁸⁵ The geotechnical investigation includes a review of available geologic and geotechnical data for the site vicinity, an engineering analysis of the proposed project in the context of geologic and geotechnical site conditions, subsurface exploration including soil borings, and preparation of project-specific design and construction recommendations.

In February 2017 (prior to excavation), two soil borings were taken in the back yard, at the location of the proposed building expansion. The borings encountered 2.6 to 2.7 feet of soft to medium stiff sandy clay with gravel and debris (fill), overlying 1 to 2 feet of very stiff sandy clay with gravel (residual soil) overlying friable to weak sandstone at 3.75 to 4.25 feet below ground surface. One dynamic penetration test/hand auger taken within the building encountered 0.5 feet of medium dense gravel (fill) overlying friable to weak sandstone at 1 foot below ground surface. Groundwater was not observed during field investigations. In April 2019, the geotechnical engineer and geologist visited the site to observe the partial excavation in the existing garage and two exploratory foundation pits along existing exterior foundations.

While groundwater was not observed during the field investigation, groundwater levels vary seasonally depending on factors such as landscaping activities and seasonal rainfall. Groundwater is typically encountered at the interface between geologic contacts (i.e., between the soil and bedrock) and within sand lenses in the native clays. Seasonal springs may be encountered in the sands above the native clays.

Proposed Excavation and Foundation Construction Activities

Based on soil samples taken, the geotechnical report anticipates that the majority of site grading would consist of cuts in undocumented fill, native clays and bedrock, and that the foundation subgrade would consist of bedrock. The geotechnical report concludes that the site can be developed as planned, provided the recommendations presented in the geotechnical report are incorporated into the project plans and specifications and are implemented during construction. The geotechnical engineer anticipates that the proposed building alterations would be supported on shallow foundations bearing on bedrock. Depending on the final development plans, excavation of up to 10 feet below the ground level of the adjacent site to the west (2421 Green Street) would be required to construct the proposed basement expansion. It is anticipated that this excavation would be kept about 2 to 3 feet from the property line. Where the excavation would abut an adjacent building, and the adjacent foundations bear on soil, the foundation adjacent to the excavation would be shored using at-rest pressures and adding any surcharge loads; however, it

⁸⁵ Divis Consulting, Inc., Geotechnical Report and Geologic Hazard Study, 2417 Green Street, San Francisco, California, April 25, 2019.

is anticipated that adjacent foundations bear on bedrock. Excavation may be performed in non-sequential sections with a maximum length (along the adjacent property line) of 5 feet.

Preliminary Building Department Review of the Proposed Project

The July 20, 2018 appeal of the June 22, 2018 categorical exemption for the proposed project and subsequent correspondence from the 2421 Green Street representative cited multiple concerns by engineer Lawrence Karp concerning BPA#201705116316 (for the garage expansion and foundation replacement) and BPA #201710020114 (to legalize the excavation work). The Board of Supervisors upheld the appeal and noted,

The Karp Report and other information submitted at and prior to the January 9, 2018, appeal hearing constituted substantial evidence that the Project, if approved, may result in one or more substantial adverse changes in the significance of the neighboring historic resource located at 2421 Green Street that have not been sufficiently addressed in the Categorical Exemption for the Project...The Board finds that the Karp Report and other information submitted at and prior to the January 9, 2018, appeal hearing constituted substantial evidence not previously identified that affect the CEQA evaluation set forth in the Categorical Exemption regarding how the Project may impair the significance of an historic resource by causing impacts to its immediate surroundings.⁸⁶

To address these concerns raised in the appeal and in response to the CEQA findings by the Board of Supervisors, the planning department coordinated with the building department to obtain preliminary review of the geotechnical report and geologic hazard study prepared for the proposed project. The building department's Plan Review Services Division staff reviewed a 2017 geotechnical investigation and made recommendations to revise the report; these recommendations are reflected in the geotechnical report dated April 25, 2019.⁸⁷ The Plan Review Services Division staff reviewed the revised report and found that the report generally meets the standards for professional practice of geotechnical engineering.⁸⁸

Pursuant to City code requirements, the project sponsor will be required to undertake the following actions:

- **Final Structural Plan Development.** The sponsor's geotechnical engineer will be required to consult with the design team during the development of the structural plans and will review the structural plans and calculations, shoring plans, and civil plans as required by the Department of Building Inspection, and submittals by the foundation contractor. The

⁸⁶ San Francisco Board of Supervisors, Motion No. M18-012, Adopting Findings Reversing the Categorical Exemption Determination – 2417 Green Street, Amended February 6, 2018, File No. 180123, available at <https://sfgov.legistar.com/View.ashx?M=F&ID=5792879&GUID=75361D57-546D-41F0-B0A3-D11B6083C3D2>.

⁸⁷ Divis Consulting, Inc., Geotechnical Report and Geologic Hazard Study, 2417 Green Street, San Francisco, California, April 25, 2019.

⁸⁸ Stephan Leung, G.E., Plan Review Services Division, San Francisco Department of Building Inspection, Preliminary Review of Geotechnical Report for 2417 Green Street, San Francisco, Block/Lot: 0560/028, DBI Permit Numbers: 2017-0428-5244, May 16, 2019.

final building design will be required to comply with all recommendations of the geotechnical engineer as well as DBI requirements.

- **Control of Groundwater.** The final design will include measures to intercept groundwater where it may impact the proposed construction, using methods such as drainage behind retaining walls, under-slab-drainage, French drains and area drains, and waterproofing. Any required waterproofing system will be designed and inspected by the architect and/or engineer of record and shall be reviewed and approved by the building department. If groundwater, or evidence of groundwater, is encountered during construction, the contractor will notify the geotechnical consultant to evaluate whether additional measures are required to control the flow of groundwater at the site. Where collected, groundwater will be discharged to a suitable collection point.
- ~~**Third Party Review.** Pursuant to the Slope Protection Act, the project's geotechnical investigation report and construction documents will undergo third party review by a licensed geotechnical engineer. Such review will verify that appropriate geological and geotechnical issues have been considered and that appropriate slope instability mitigation strategies have been proposed.~~
- **Unexpected Conditions During Construction.** If the contractor encounters any adjacent foundations not shown on the project documents or unexpected materials during excavation, project excavation will be halted, and the project geotechnical engineer will be contacted immediately to provide additional consultation on site due to different site conditions. The geotechnical engineer's recommendation shall be reviewed and approved by DBI staff prior to resuming of construction activities.
- **Construction Monitoring.** The contractor will notify the geotechnical engineer and the building department five days prior to any excavation, and the geotechnical engineer shall periodically be present during excavation to observe the actual soil/rock conditions and to evaluate the stability of the cut. The contractor shall establish survey points on the shoring and on adjacent buildings and streets within twice the height of the proposed excavation prior to the start of excavation and where access permits and shall submit the proposed survey points to the building department for review and approval. These survey points shall be used to monitor the vertical and horizontal movements of the shoring and surrounding structures and streets during construction. The contractor shall survey and take photographs of the adjacent buildings prior to the start of excavation and immediately after its completion. If unacceptable earth movement or evidence of structural settlement is encountered during construction, as determined by the geotechnical engineer, project excavation shall be halted and the geotechnical engineer shall evaluate if additional measures are required to prevent further movement. In this event, the geotechnical engineer shall notify the building department that unacceptable earth movement has occurred and of the additional measures proposed to prevent further movement.

Given the history of this project, as outlined in the Project History section, above, combined with the concerns raised by the Board of Supervisors at the appeal hearing, this initial study finds that project construction could compromise the structural integrity of the adjacent foundation at 2421

Green Street. This would be a significant impact. Implementation of **Mitigation Measure M-GE-1, Ongoing Monitoring By and Coordination with the Planning Department and the Department of Building Inspections Prior to and During the Construction Phase Regarding Compliance with Geotechnical Requirements**, would reduce this impact to a less-than-significant level. The mitigation measure would ensure ongoing monitoring by and coordination between the project sponsor's team, the planning department, and the department of building inspection regarding geotechnical issues that could arise during the course of plan review and project construction.

Mitigation Measure M-GE-1: Ongoing Monitoring by and Coordination with the Planning Department and the Department of Building Inspections Prior to and During the Construction Phase Regarding Compliance with Geotechnical Requirements. Pursuant to the San Francisco Department of Building Inspection process, the project sponsor (and their design and construction team, ~~geotechnical engineer, and contractor,~~ as applicable) ~~will~~ shall be subject to ongoing monitoring by and coordination requirements with the planning department and the building department regarding plan check reviews and building inspections prior to and during construction work. ~~This process will include the following requirements:~~

In conjunction with its submittal of structural plans, the project sponsor shall submit to the building department construction documents that identify anticipated significant construction milestones when a field report and/or memorandum by engineer(s) of record shall be submitted to the planning and building departments. The building department shall review and determine whether to approve the list of significant reporting milestones as part of its approval of structural plans.

The engineer(s) of record shall notify the planning and building departments when milestones indicated on the construction documents have been reached, and their outcomes. Specifically, the project sponsor's engineer of record shall submit field reports and/or memoranda documenting each milestone to the planning and building departments.

Pursuant to planning department policy, any memoranda and/or reports prepared by project sponsor and/or a consultant working for the project sponsor shall adhere to the planning department's protocols of objectivity.

Structural and geotechnical observation and inspection shall be provided onsite during construction.

- ~~• Prior to commencement of construction, the project sponsor shall submit to the planning department and building department a report outlining anticipated construction milestones with corresponding (approximate) dates of reaching those milestones as well and all memoranda and/or reports anticipated to be prepared or approved at those milestones. The report shall address how all code requirements will be met, including responsible parties and the city agency providing oversight.~~

~~The report shall be reviewed and approved by the planning department and the building department prior to commencement of construction.~~

- ~~• Once construction commences, the sponsor shall notify the planning department and the building department (when coordination with the building department is not already included as typical part of the process) when the above milestones have been reached and their outcomes. Specifically, all memoranda and/or reports issued at times of those milestones shall be provided to the planning department and the building department.⁸⁹~~

Compliance with Mitigation Measure M-GE-1 would ensure the security and stability of the project site and adjacent properties. Furthermore, as addressed under Impact CR-1, compliance with this mitigation measure would avoid any potential impacts to historic resources.

Other Geotechnical Issues Raised in the Exemption Appeal

The July 20, 2018 appeal of the June 22, 2018 categorical exemption states, among other assertions, that no topographic and boundary survey has been performed for the proposed project, and that without land survey data, it would be impossible for the project sponsor to provide protection of adjacent properties. Project approval by the planning department concerns consistency with the planning code and does not require a survey or final structural plans.

The July 20, 2018 appeal of the June 22, 2018 categorical exemption also states that the brick foundation of 2421 Green Street would be damaged by the project:

Fundamentally, all that is needed to know is that the drawings (e.g. Detail 3, Sheet S4.1) show a critical new foundation on 2417 Green that crosses the property line to be anchored in the 125 year old brick foundation.

A subsequent letter from Lawrence B. Karp dated January 17, 2019, also states that the proposed project cannot be accomplished without construction that would “compromise the lateral and subjacent support” of 2421 Green Street. The letter further states that Detail 3 on Sheet S4.1 of BPA #201705116316 (the foundation replacement permit) shows a connection with the adjacent foundation (see red arrow on Figure 14). The project sponsor subsequently clarified that the lines on the plans are call outs for longitudinal reinforcement in the wall footing and do not show a connection to the adjacent foundation. The sponsor’s letter of clarification further states, “For the avoidance of any further misunderstanding by any city department or board, the proposed project at 2417 Green Street is in NO WAY PHYSICALLY CONNECTED to 2421 Green Street and does not require any work whatsoever to be performed at 2421 Green Street.”⁹⁰ DBI staff reviewed this plan sheet and concurred with the project sponsor that “[t]here is no physical connections between the new footings and the neighbor’s existing masonry footings.”⁹¹ Nevertheless, the foundation

⁸⁹ Pursuant to Department policy, any memoranda and/or reports prepared by project sponsor and/or a consultant working for the project sponsor shall adhere to Planning Department’s protocols of objectivity.

⁹⁰ Christopher F. Durkin, P.E., Clarification Letter, 2417 Green Street – Exposing of Fraud in Reports prepared by Larry Karp, April 11, 2019.

⁹¹ Stephen Leung, Department of Building Inspection, email to Tania Sheyner, Planner Department. June 13, 2019.

replacement permit (BPA #201705116316) has been suspended and would be superseded by the building expansion permit (BPA #201704285244).

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

The 2,500-square-foot project site is covered with a building and a landscaped backyard. Grading and excavation would expose topsoil and could potentially result in erosion. Construction-related activities would be required to comply with San Francisco Public Works Code section 146, which requires all land-disturbing activities to implement and maintain best management practices to minimize surface runoff, erosion and sedimentation to prevent construction site runoff discharges into the City's combined stormwater/sewer system.⁹² The project site's relatively small landscaped area and compliance with section 146's best management practices during construction activities would ensure that the project would not result in the loss of topsoil or erosion. This impact would be less than significant.

Impact GE-3: The proposed project would not be located on a geologic unit that is unstable, or that could become unstable as a result of the project, and would not result in landslide, lateral spreading, subsidence, liquefaction, or collapse. (Less than Significant with Mitigation)

As discussed under Impact GE-1, the project site is located within a landslide hazard zone and, thus, may be subject to landslide hazard. This hazard potential would be highest during site excavation and construction, which would last between three and five months, and the project has the potential to result in significant impacts related to protection of the adjacent foundation at 2421 Green Street that could become unstable as a result of the project. As discussed above under Impact GE-1, oversight by DBI and implementation of Mitigation Measure M-GE-1 would ensure the security and stability of the project site and adjacent properties, and would reduce to less than significant any potential impacts related to earthquake fault, seismic ground shaking, ground failure, or landslide. Compliance with this mitigation measure would also reduce to less-than-significant any effects related to landslide, lateral spreading, subsidence, liquefaction, or collapse.

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)

Soils located beneath fully developed urban areas are generally not highly susceptible to the effects of expansive soils, which are characterized by their ability to undergo significant volume change (i.e., to shrink and swell) due to variations in moisture content. The presence of expansive soils is typically associated with high clay content. Expansive soils can damage structures and buried utilities and increase maintenance requirements. Section 1803 of the state building code states that in areas likely to have expansive soil, the building official shall require soil tests to determine where such soils do exist, and if so, the geotechnical report must include recommendations and special design and construction provisions for foundations of structures on expansive soils, as necessary.

92 Ordinance No. 260-13, Public Works Code - Control of Construction Site Runoff, November 5, 2013.

Subsurface exploration at the project site identified undocumented artificial fill overlying residual soils resting on friable to weak sandstone bedrock.⁹³ Because soils with high clay content were not encountered, the project site is unlikely to contain expansive soil, and impacts related to expansive soils would be less than significant.

Impact GE-5: 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.

Ground-disturbing activities would occur to a depth of 13 feet and be confined to the sandy clay and Franciscan Complex bedrock underlying the site. These geologic units are considered to have low potential to contain significant fossils or paleontological resources.⁹⁴ Thus, the project site has a low potential to contain significant fossils due to the geologic units that would be affected by project construction. Thus, the proposed project would result in less-than-significant impacts to a unique paleontological resource or site.

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. No unique geologic features exist at the project site; therefore, no impacts on unique geological features would occur.

Impact C-GE-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not have a substantial cumulative impact on geology and soils. (Less than Significant)

Environmental impacts related to geology and soils are generally site-specific. Nearby cumulative development projects identified in Table 2 on page 7 would be subject to the same seismic safety standards and design review procedures applicable to the proposed project. Compliance with the seismic safety standards and the design review procedures would ensure that the effects from nearby cumulative development projects would be reduced to less-than-significant levels. 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.

⁹³ Divis Consulting, Inc., Geotechnical Investigation Report for 2417 Green Street, April 25, 2019.

⁹⁴ California Academy of Sciences Invertebrate, Zoology, and Geology Fossil Collection Database, <http://researcharchive.calacademy.org/research/izg/fossil/index.asp?xAction=ShowForm&PageStyle=Single&PageSize=0&OrderBy=AccessionNo&County=san+francisco&RecStyle=Full>, accessed June 6, 2018.

Impact C-GE-2: The project, in combination with cumulative projects, would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant)

Paleontological impacts are generally site specific and highly localized. Therefore, the potential for the proposed project to combine with reasonably foreseeable future projects and create a cumulative impact related to paleontological resources would be low. Therefore, the proposed project would have a less-than-significant cumulative impact on paleontological 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>
16. HYDROLOGY AND WATER QUALITY.					
Would the project:					
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>

The project site does not contain any streams or water courses, and the proposed project would not alter the course of a stream or river or alter the existing drainage pattern of the project site or area. Thus, Question 15c is not applicable to the proposed project.

In 2018, the SFPUC developed a Draft 100-Year Storm Flood Risk Map that shows areas of San Francisco where significant flooding from storm runoff is highly likely to occur during a 100-year storm. A “100-year storm” means a storm with a 1 percent chance of occurring in a given year. The project site is not on the Draft 100-Year Storm Flood Risk Map.⁹⁵ At an elevation of approximately 140 feet above mean sea level, the project site has no potential to be affected by sea level rise by the year 2100 as projected by the City of San Francisco.⁹⁶ Because of its elevation, distance from the nearest potential sources of flooding, and intervening topography, the project site is not susceptible to the potential effects of a tsunami or seiche.⁹⁷ For these reasons, there is no potential for project impacts with respect to flood hazard, tsunami or seiche zones, and Question 15d is not applicable.

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)

The project site is located within the area of the city served by a combined stormwater and sewer system. Under such a system, wastewater (sewage) and stormwater are collected and comingled in underground piping and tunnels for conveyance to the City’s wastewater treatment plants, operated by the San Francisco Public Utilities Commission (SFPUC). The project site is less than 5,000 square feet and thus does not require submittal of a stormwater control plan per San Francisco Public Works Code article 4.2, section 147. Nevertheless, the project sponsor would be required to maintain construction best management practices to minimize surface runoff, erosion, and sedimentation from the construction site. During project operation, combined stormwater and wastewater from the project site would be treated pursuant to the City’s National Pollutant Discharge Elimination System (NPDES) permit prior to discharge to receiving waters. This would ensure that the proposed project would not degrade surface or groundwater quality during construction or operations. Therefore, impacts related to water quality from development of the proposed project would be less than significant.

Impact HY-2: The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table. (Less than Significant)

95 San Francisco Water Power Sewer, Draft 100-Year Storm Flood Risk Map, <http://www.sfwater.org/index.aspx?page=1229>, accessed February 11, 2019.

96 The City projects a sea level rise of 66 inches by the year 2100 in City and County of San Francisco, 2016, San Francisco Sea Level Rise Action Plan, http://default.sfplanning.org/plans-and-programs/planning-for-the-city/sea-level-rise/160309_SLRAP_Final_ED.pdf, accessed February 19, 2019.

97 California Emergency Management Agency (CalEMA), Tsunami Inundation Map for Emergency Planning, State of California – City and County of San Francisco, San Francisco North Quadrangle, San Francisco South Quadrangle (San Francisco Bay), June 15, 2009, http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SanFrancisco/Documents/Tsunami_Inundation_SouthSFNorthSF_PacificCoast_SanFrancisco.pdf, accessed April 30, 2018.

The project site is covered with impervious surfaces except for the rear yard. Impervious surfaces greatly limit the amount of surface water that can infiltrate a site to recharge the groundwater. The proposed building expansion into the rear yard would result in a slight increase in impervious surface but not enough to interfere with groundwater recharge.

If dewatering is required during project construction, any effects related to lowering the water table would be temporary and would not be expected to substantially deplete groundwater resources in any underlying aquifers. In addition, the proposed project does not include any groundwater wells to extract groundwater supplies.

Project operation would not result in the use of groundwater and the project would not otherwise be expected to adversely affect groundwater supplies or quality.

For these reasons, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

Impact HY-3: 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 HY-1, above, during construction, the project sponsor would be required to maintain construction best management practices to minimize surface runoff, erosion, and sedimentation from the construction site, and during project operation, combined stormwater and wastewater from the project site would be treated pursuant to the City's NPDES permit prior to discharge to receiving waters. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and this impact would be less than significant.

Impact C-HY-1: The proposed project, in combination with other past, present, or reasonably foreseeable projects, would not substantially deplete groundwater supplies, alter existing drainages, or otherwise degrade water quality. (Less than Significant)

The proposed project and all future projects within San Francisco would be required to comply with the water quality and drainage control requirements discussed above that apply to all land use development projects within the city. Since all development projects would be required to follow the same regulations as the proposed project, the implementation of new, conforming development projects, peak stormwater drainage rates and volumes resulting from design storms would be expected to decrease gradually over time relative to existing peak flows. Moreover, all development projects would be required to comply with the same drainage, dewatering, and water quality regulations as the proposed project. As a result, cumulative effects related to drainage patterns, water quality, stormwater runoff, stormwater capacity of the combined sewer system and groundwater supply and quality 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>
17. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within an airport land use plan area, nor is it within two miles of a public use airport or a private airstrip. There are no areas that would be classified as wildlands in the project vicinity. The closest heavily vegetated area to the project is the Presidio of San Francisco, about a half-mile west of the project site and separated from it by extensive urban infrastructure that is not intermixed with wildlands. Therefore, criteria 16e and 16h are not applicable.

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)

Neither construction nor operation of the proposed project would involve the routine transport, use, or disposal of significant quantities of hazardous materials. Small quantities of commercially available hazardous materials such as household cleaning, paints, and landscaping supplies may

be used; however, these materials would not be expected to be used in sufficient quantities or contrary to normal use, and therefore would not pose a threat to human health or the environment.

Based on the above, the impact of the proposed development on the public and the environment related to the routine transport, use, and handling of hazardous materials therefore would be less than significant.

Impact HZ-2: The proposed project would not create a significant hazard to the public or the environment through the release of hazardous materials. (Less than Significant)

The proposed project would disturb at least 50 cubic yards of soil in an area that the San Francisco Health Department (the health department), pursuant to San Francisco Building Code section 106A.3.2.4, identified as likely containing hazardous substances in the soil or groundwater. Therefore, before the project may obtain a building permit, it must comply with the requirements of article 22A of the San Francisco Health Code (also known as the Maher Ordinance), which the health department administers and oversees.

Per San Francisco Health Code section 22A.4, the health department may waive the requirements imposed by the Maher Ordinance if the applicant demonstrates that the property has been continuously zoned as residential under the planning code since 1921, has been in residential use since that time, and no evidence has been presented to create a reasonable belief that the soil and/or groundwater may contain hazardous substances. In these circumstances, the health department will provide the applicant with a waiver, which is a written notification that the requirements of article 22A have been waived and no further oversight by the health department is required for the project.

The health department issued two Maher waivers for the proposed project because the property has been continuously zoned as residential under the planning code since 1921, has been in residential use since that time, and no evidence has been presented to create a reasonable belief that the soil and/or groundwater may contain hazardous substances. The first waiver, issued on March 28, 2017 for the excavation/addition building permit (#201704285244), recommends that construction activities follow a work health and safety plan and dust control measures.⁹⁸ The second Maher waiver, issued on October 31, 2017 for the excavation-only building permit (#201705116316), recommends that construction activities follow a work health and safety plan and dust control measures, and determined that a former underground storage tank removed from the residential site or nearby residential site does not present a significant health or environmental risk to the project property based on the information available from publicly available state databases and health department files.⁹⁹ The October 31, 2017 Maher waiver also recommends that excavated fill soils be segregated, stored on plastic sheeting, and analyzed for contaminants prior to reuse or disposal.

⁹⁸ San Francisco Department of Public Health, Waiver from San Francisco Health Code Article 22A (Maher Ordinance), 2417 Green Street, March 28, 2017.

⁹⁹ San Francisco Department of Public Health, Waiver from San Francisco Health Code Article 22A (Maher Ordinance), 2417 Green Street, October 31, 2017.

On October 31, 2017, when the health department staff issued the second Maher waiver, and consistent with normal procedures for building permit approvals, staff also signed the back of building permit #201705116316 and added a stamp that stated the following:

Accepted by the San Francisco Department of Public Health Maher Program with the following conditions: Obtain copies and follow the requirements of the Site Mitigation Plan, Environmental Health and Safety Plan, Dust Control Plan and other documents and requirements to ensure compliance with the S.F. Maher Ordinance.

During a meeting with health department on January 17, 2018, to discuss the 2417 Green Street project, Stephanie Cushing, Director of Environmental Health, noted that the health department had one approval stamp that it used both for projects that have approved site mitigation plans and for projects that receive Maher waivers. Ms. Cushing noted that the language on the Maher waiver form and the language on the approval stamp could be misconstrued to indicate that further health department oversight is required.¹⁰⁰ However, Ms. Cushing confirmed that the Maher waiver was appropriate for the 2417 Green Street project and that no further oversight by the health department was required.

The July 20, 2018 appeal of the June 22, 2018 categorical exemption issued for the proposed project cited a report from hydrogeologist Matthew Hagemann that states that the project requires a remediation plan to ensure safe testing and removal of any contaminated soil. This assessment was based on an interpretation that the language on the approval stamp implied that the project was not eligible for a waiver. As discussed above, this is an understandable but incorrect reading of the facts concerning the case.

On February 11, 2018, out of an abundance of caution, the health department requested that the project sponsor submit a work plan for soil and/or groundwater sampling and testing.¹⁰¹ On February 12, 2018 the project sponsor submitted a work plan to the health department that proposed two sample locations within the existing garage.¹⁰² The work plan proposed laboratory analysis for total petroleum hydrocarbons (TPH) as gasoline (TPHg), as diesel (TPHd), and as motor oil (TPHmo); volatile organic compounds (VOCs); semi-VOCs; organochlorine pesticides; polychlorinated biphenyls (PCBs); reactivity, corrosivity, and ignitability; CAM 17 metals; and asbestos. On February 18, 2018, the health department approved the work plan.¹⁰³

On February 27, 2018, the sponsor's consultant, ICES, submitted a site characterization report,¹⁰⁴ and on February 28, 2018, the health department issued a letter that agreed with the report's conclusion that the soil sediments within the foundation and garage expansion excavation are non-hazardous:

¹⁰⁰ The health department has subsequently purchased and begun using a stamp that reads "MAHER WAIVER." when such a waiver has been granted.

¹⁰¹ San Francisco Department of Public Health, Environmental Health, SFHC Article 22A, 2417 Green Street Residence, EHB-SAM Case Number: 1534, February 11, 2018.

¹⁰² ICES, Work Plan, Site Characterization, 2417 Green Street, San Francisco, California, February 12, 2018.

¹⁰³ San Francisco Department of Public Health, Environmental Health, SFHC Article 22A, 2417 Green Street Residence, EHB-SAM Case Number: 1534, February 18, 2018.

¹⁰⁴ ICES, Site Characterization, 2417 Green Street, San Francisco, California, February 27, 2018.

Results from the soil samples indicated that the samples contained TPHg, TPHd, TPHmo, VOC, SVOC, organochlorine pesticide, and PCB concentrations that were below the Regional Water Quality Control Board's Direct Exposure Human Health Risk Screening Levels (DE HHRLs) for residential land use. Results of other analysis indicated that the samples were non-flammable and non-reactive; and contained pH values (corrosivity) ranging from 7.58 to 7.71. The asbestos concentrations contained in the samples were non-detectable (less than 0.25%). The metal concentrations detected in the samples were below their respective residential DE HHRLs and/or within background levels for San Francisco Bay Area soils, with the exception of arsenic. The arsenic concentrations detected in [samples] S-1 and S-2 ranging from 3.1 mg/kg to 3.5 mg/kg exceeded the residential DE HHRL of 0.067 mg/kg but were below the background level of 11 mg/kg. The Regional Water Quality Control Board considers background levels to be acceptable for contaminants where their respective DE HHRLs are less than typical background levels.¹⁰⁵

Based on review of the documents, health department staff found the project in compliance with San Francisco Health Code article 22A and required no further investigation.¹⁰⁶

In the appeal of the June 22, 2018 categorical exemption, the appellant raised the concern that the soil samples taken from under the garage would be clean and not contaminated soil. This concern is not valid for the following reasons. The two soil samples were collected from the proposed excavation area within the existing garage: one sidewall sample taken at a depth of 3 feet below ground surface to test the fill material and the other collected at a depth of 9 feet below ground surface to test the underlying soils. The samples were taken approximately 25 to 30 feet south of the front property line, and project excavation would extend no further than 55 feet south of the front property line. The health department allows for sampling locations to be spaced 150 feet apart, so the location of the sampling is appropriate and consistent with health department protocols. Also, as these samples represent the fill and the underlying soil, they were also taken at the appropriate depth.¹⁰⁷

In conclusion, the project would not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Impact HZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school. (Less than Significant)

Three schools are located within 0.25 miles of the project site: St. Vincent de Paul School, Hillwood Academic Day School, and Town School for Boys. Any hazardous waste at the project site would be remediated and handled in accordance with local, state and federal law. Furthermore, the proposed project would include the use of common household items in quantities too small to

¹⁰⁵ San Francisco Department of Public Health, Environmental Health, SFHC Article 22A Compliance, 2417 Green Street Residence, San Francisco, EHB-SAM Case Number: 1534, February 28, 2018.

¹⁰⁶ Ibid.

¹⁰⁷ Stephanie Cushing, Department of Public Health memo to Jeanie Poling, Planning Department regarding 2417 Green Street, March 13, 2019.

create a significant hazard to the public or the environment. Based on this, this impact would be less than significant.

Impact HZ-4: The proposed project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and not create a significant hazard to the public or the environment. (Less than Significant)

Pursuant to section 65962.5 of the Government Code, the Secretary for Environmental Protection maintains a list of sites with potentially hazardous wastes, commonly referred to as the Cortese list. The Cortese list includes hazardous waste sites from the Department of Toxic Substances Control's (DTSC's) EnviroStor database, hazardous facilities identified by DTSC that are subject to corrective action pursuant to Health and Safety Code section 25187.5, leaking underground storage tank sites from the State Water Resources Control Board's (state board's) Geotracker database, solid waste disposal sites maintained by the state board, and sites with active cease and desist orders and clean up and abatement orders. The project site is not on the Cortese List and thus would not create a significant hazard to the public or environment. The impact would be less than significant.

Impact HZ-5: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant)

No changes are proposed to the public right-of-way and the proposed project would continue the existing residential uses within the boundaries of the project site. Thus, the project would not substantially increase hazards due to a design feature or incompatible uses and would not result in an inadequate emergency access. The impact would be less than significant.

Impact C-HZ-1: The proposed project, in conjunction with other past, present and reasonably foreseeable project, would not make a cumulatively considerable contribution to significant impacts with respect to hazards to people or the environment. (Less than Significant)

Development in the city is subject to city, regional, and state controls designed to protect the public and the environment from risks associated with hazards and hazardous materials, and to ensure that emergency access routes are maintained. Any future development in the project vicinity would be subject to these same laws and regulations. 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.

<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>
18. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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 MI-1: The proposed project would have no impact with respect to the availability of known or locally important mineral resources. (No Impact)

All land in San Francisco, including the project site, is designated by the California Geological Survey as Mineral Resource Zone 4 under the Surface Mining and Reclamation Act of 1975.¹⁰⁸ The Zone 4 designation indicates that adequate information does not exist to assign the area to any other zone: the area has not been designated as having significant mineral deposits. Specifically, the project site is underlain by deep sand deposits that have not been designated as important at the state or local level.

The project site is within a densely developed urban area and has been developed with residential use since 1905. Even were the underlying sand considered to contain marketable minerals, it would not be feasible to conduct sand extraction activities in the midst of urban development. The development and operation of the proposed project would not have an impact on any off-site operational mineral resource recovery sites, as there are no such operations in the vicinity, and the project site is not and has never been used in any way in mineral resources recovery. The proposed project therefore would have no impact with respect to the availability of mineral resources.

Impact C-ME-1: The proposed project in combination with other past, present or reasonably foreseeable projects would have no impact with respect to the availability of known or locally important mineral resources. (No Impact)

The proposed project has no potential to result in an impact to mineral resources. Therefore, the project would not contribute to a cumulative impact on these resources.

¹⁰⁸ California Division of Mines and Geology, 1996, Open File Report 96-03 and Special Report 146 Parts I and II.

<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>
19. ENERGY. Would the project:					
a) Result in a 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 result in increased energy consumption but would not encourage activities that result in the use of large amounts of fuel, water, or energy or use these in a wasteful manner. (Less than Significant)

The proposed project would increase the population and intensity of use of the project site but would not exceed anticipated growth in the area. The proposed project would be subject to the energy conservation standards included in the San Francisco Green Building Ordinance. Documentation showing compliance with the ordinance would be required to be submitted with the applications of the building permits, and compliance would be enforced by the Department of Building Inspection. The project also, by its character, would conserve fuel and energy use because it would provide housing in an urban area that is accessible by transit and is bicycle and pedestrian friendly. Therefore, the proposed project would not cause a wasteful use of energy, and effects related to use of fuel, water, and energy would be less than significant.

Impact C-EN-1: The proposed project in combination with other past, present or reasonably foreseeable projects would increase the use of energy, fuel and water resources, but not in a wasteful manner. (Less than Significant)

The demand for energy created by the proposed project would be insubstantial in the cumulative context of citywide demand and would not require an expansion of power facilities. While overall energy demand in California is increasing commensurate with increasing population, the state also is making concerted energy conservation efforts. While the city produces a substantial demand for energy and fuel, both city and state policies seek to minimize increases in demand through conservation and energy efficiency regulations and policies such that energy is not used in a wasteful manner, and the cumulative impacts with respect to energy and fuel use would be less than significant. Because San Francisco is substantially built out, development in the city's urban core focuses on densification, which effectively reduces per capita use of energy and fuel by concentrating utilities and services in locations where they can be used efficiently. Similarly, the City recognizes the need for water conservation and has instituted programs and policies to maximize water conservation. San Francisco has one of the lowest per capita water use rates in the

state¹⁰⁹ and routinely implements water conservation measures through code requirements and policy. Therefore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact related to mineral and energy 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>
20. AGRICULTURE AND FORESTRY RESOURCES: 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.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 is located within an urbanized area of San Francisco. No land in San Francisco County has been designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as agricultural land. Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project would not require the conversion of any

109 San Francisco Public Utilities Commission, Water Resources Division Annual Report, Fiscal Year 2017-18, <https://view.joomag.com/water-resources-division-annual-report-fiscal-year-2017-18-waterresourcesar-fy17-18/0863377001542310828>, accessed February 20, 2019.

land designated as prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use. The proposed project would not conflict with any existing agricultural zoning or Williamson Act contracts, as no lands in San Francisco are zoned agricultural or are under Williamson Act contracts.¹¹⁰ No land in San Francisco is designated as forest land or as Timberland Production by the California Public Resources Code or Government Code. Therefore, the proposed project would not conflict with zoning for forest land, cause a loss of forest land, or convert forest land to a different use. For these reasons, Questions 18a, 18b, 18c, 18d, and 18e are not applicable to the proposed project.

<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>
21. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
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 City and County of San Francisco and bordering areas within San Mateo County do not have any state responsibility areas for fire prevention or lands classified as very high fire hazard severity zones,¹¹¹ therefore, this topic is not applicable. Refer to topic C.17, Hazards and Hazardous Materials, for a discussion of wildland fire risks.

¹¹⁰ San Francisco is identified as "Urban and Built-Up Land" on California Department of Conservation, 2008, Important Farmland in California Map, www.consrv.ca.gov, accessed October 23, 2017.

¹¹¹ CALFIRE Fire and Resource Assessment Program, San Francisco County Draft Fire Hazard Severity Zones in Local Responsibility Areas Map, October 5, 2007; San Mateo County Fire Hazard Severity Zones in State Responsibility Areas Map, November 7, 2007; and San Mateo County Very High Fire Hazard Severity Zones in Local Responsibility Areas Map, November 24, 2008. Available at: http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
22. MANDATORY FINDINGS OF SIGNIFICANCE.					
Does the project:					
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, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 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 F.3, Cultural Resources, implementation of the proposed project would not result in a substantial adverse change in the significance of an archeological resource or a tribal cultural resource and would not disturb human remains. As discussed in Section F.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 F, 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 F.15, Geology and Soils, the proposed project would result in potentially significant impacts related to seismic hazards. The foregoing analysis identifies Mitigation Measure M-GE-1, which would reduce these impact to less than significant impacts related to geology and soils. With implementation of this mitigation measure, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings.

G. MITIGATION MEASURE

Mitigation Measure M-GE-1: Ongoing Monitoring By and Coordination with the Planning Department and the Department of Building Inspections Prior to and During ~~the Construction Phase Regarding Compliance with Geotechnical Requirements~~. Pursuant to the San Francisco Department of Building Inspection process, the project sponsor (and their design and construction team, ~~geotechnical engineer, and contractor,~~ as applicable) ~~will~~ shall be subject to ongoing monitoring by and coordination requirements with the planning department and the building department regarding plan check reviews and building inspections prior to and during construction work. ~~This process will include the following requirements:~~

- ~~• Prior to commencement of construction, the project sponsor shall submit to the planning department and building department a report outlining anticipated construction milestones with corresponding (approximate) dates of reaching those milestones as well and all memoranda and/or reports anticipated to be prepared or approved at those milestones. The report shall address how all code requirements will be met, including responsible parties and the city agency providing oversight. The report shall be reviewed and approved by the planning department and the building department prior to commencement of construction.~~
- ~~• Once construction commences, the sponsor shall notify the planning department and the building department (when coordination with the building department is not already included as typical part of the process) when the above milestones have been reached and their outcomes. Specifically, all memoranda and/or reports issued at times of those milestones shall be provided to the planning department and the building department.~~

In conjunction with its submittal of structural plans, the project sponsor shall submit to the building department construction documents that identify anticipated significant construction milestones when a field report and/or memorandum by the engineer(s) of record shall be submitted to the planning and building departments. The building department shall review and determine whether to approve the list of significant reporting milestones as part of its approval of structural plans.

The engineer(s) of record shall notify the planning and building departments when milestones indicated on the construction documents have been reached, and their outcomes. Specifically, the project sponsor's engineer of record shall submit field reports and/or memoranda documenting each milestone to the planning and building departments.

Pursuant to planning department policy, any memoranda and/or reports prepared by the project sponsor and/or a consultant working for the project sponsor shall adhere to the planning department's protocols of objectivity.

Structural and geotechnical observation and inspection shall be provided onsite during construction.

H. PUBLIC NOTICE AND COMMENT

Comments on Notification of Environmental Review

On February 14, 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, neighborhood groups, and other interested parties. In response to the notification, the planning department received three letters from the representative of 2421 Green Street and four letters from other neighbors. Comments included concerns about impacts to historic resources related to views, air, and light (addressed under Impact CR-1 on page 15), impacts to the historic resource at 2421 Green Street related to construction methodology (addressed under Impacts GE-1 through GE-3 on pages ~~59~~ 60 through ~~65~~ 66), impacts related to the release of hazardous matter (addressed under Impact HZ-2 on page ~~74~~ 72), and the accuracy of the project description (see Project Characteristics on page 1).

Comments were also raised concerning the scale of development, consistency with the planning code and with Cow Hollow design guidelines, and neighborhood notification for the discretionary review hearing. These issues are not related to impacts on the environment and will be addressed during the planning department's review of the building permit.

One commenter raised concern that the project was being piecemealed (divided into smaller projects to qualify for one or more exemptions, which is prohibited under state CEQA statute). This initial study (and the two categorical exemptions for the project that were previously issued and rescinded) appropriately covered the whole of the project – both the excavation and the expansion of the building. In other words, the sponsor did correctly obtain CEQA clearance for the entirety of his project. Subsequently, however, the sponsor exceeded the scope of work of a foundation permit, which constitutes a permitting (not CEQA) violation.

Other comments concerned permits that were suspended and not revoked and notices of violation concerning the safety and condition of the vacant building. These issues will be addressed as part of project approvals or through the permit enforcement process.

Comments on the Preliminary Mitigated Negative Declaration

On June 26, 2019, the planning department issued a notice of availability of and intent to adopt a mitigated negative declaration to owners and residents of properties within 300 feet of the project site, neighborhood groups, and interested parties. On July 15, 2015, the planning department received a comment letter on the preliminary mitigated negative declaration from a neighbor voicing concerns about the project's impacts related to geological stability and subterranean water flows in combination with a proposed development project across the street at 2452 Green Street.

As discussed under Impact GE-1 on pages 60–66, to ensure that the potential for adverse effects related to geology and soils is adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the California Building Code and the San Francisco Building Code, which is the state building code plus local amendments that supplement the state code. Furthermore, compliance with Mitigation Measure M-GE-1 would ensure the security and stability of the project site and adjacent properties.

As addressed under Impact C-GE-1 on page 67, 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. Thus, 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.

As discussed under “Control of Groundwater” on page 63, pursuant to City code requirements, the final design will include measures to intercept groundwater where it may impact the proposed construction, using methods such as drainage behind retaining walls, under-slab-drainage, French drains and area drains, and waterproofing. Any required waterproofing system will be designed and inspected by the architect and/or engineer of record and shall be reviewed and approved by the building department. If groundwater, or evidence of groundwater, is encountered during construction, the contractor will notify the geotechnical consultant to evaluate whether additional measures are required to control the flow of groundwater at the site. Where collected, groundwater will be discharged to a suitable collection point.

As addressed under Impact C-HY-1 on page 70, the proposed project and all future projects within San Francisco would be required to comply with the water quality and drainage control requirements that apply to all land use development projects within the city. Since all development projects would be required to follow the same regulations as the proposed project, the implementation of new, conforming development projects, peak stormwater drainage rates and volumes resulting from design storms would be expected to decrease gradually over time relative to existing peak flows. Moreover, all development projects would be required to comply with the same drainage, dewatering, and water quality regulations as the proposed project. As a result, cumulative effects related to drainage patterns, water quality, stormwater runoff, stormwater capacity of the combined sewer system and groundwater supply and quality would be less than significant.

I. 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.

DATE _____

Lisa Gibson
Environmental Review Officer
for
John Rahaim
Director of Planning

J. INITIAL STUDY PREPARERS

Planning Department, City and County of San Francisco
Environmental Planning Division
165 Mission Street, Suite 400
San Francisco, CA 94103

Environmental Review Officer: Lisa Gibson
Principal Environmental Planner: Tania Sheyner, AICP
Senior Environmental Planner: Jeanie Poling
Preservation Planner: Stephanie Cisneros

K. FIGURES – See the following pages.

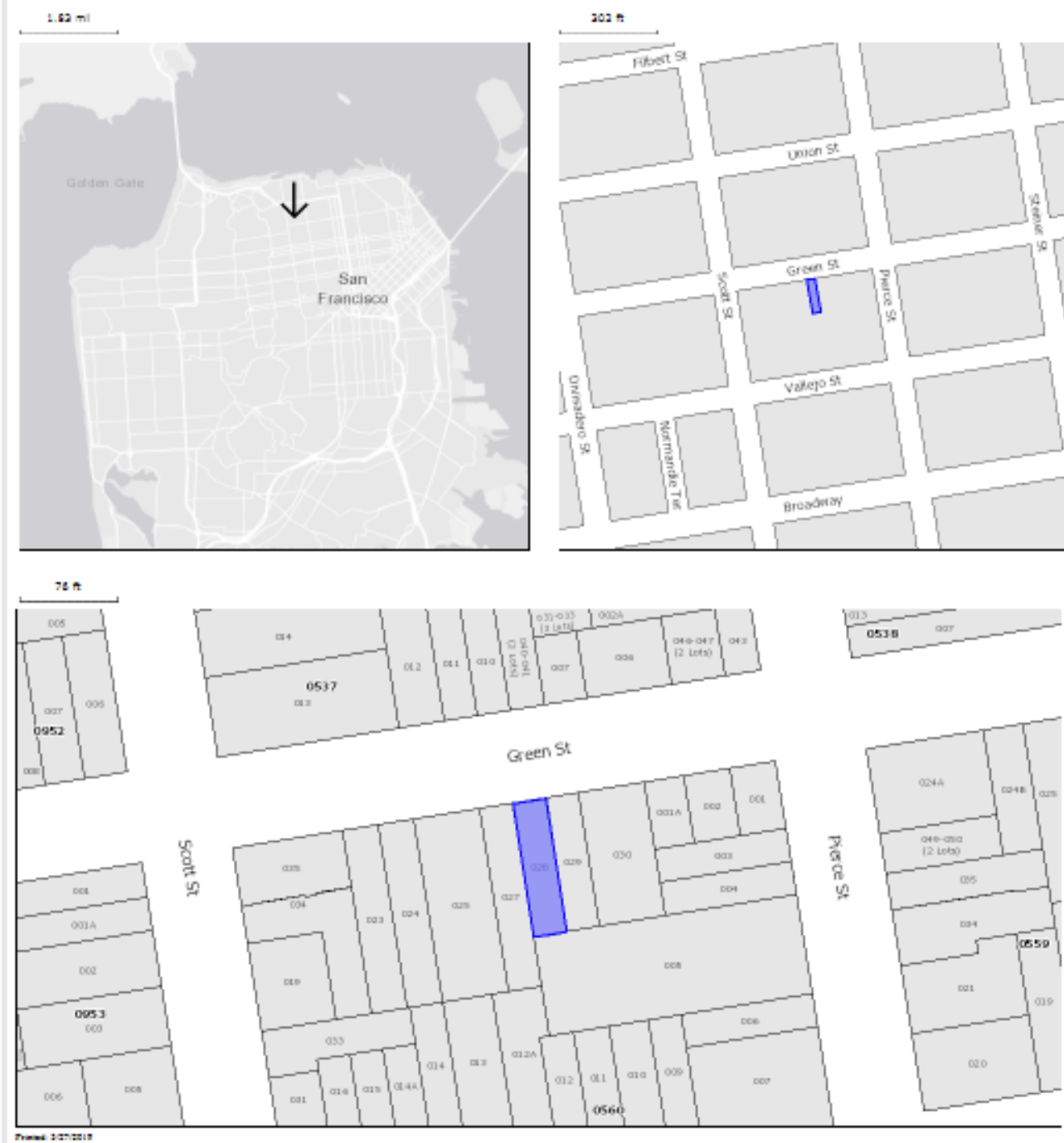


Figure 1 – Project Site Location

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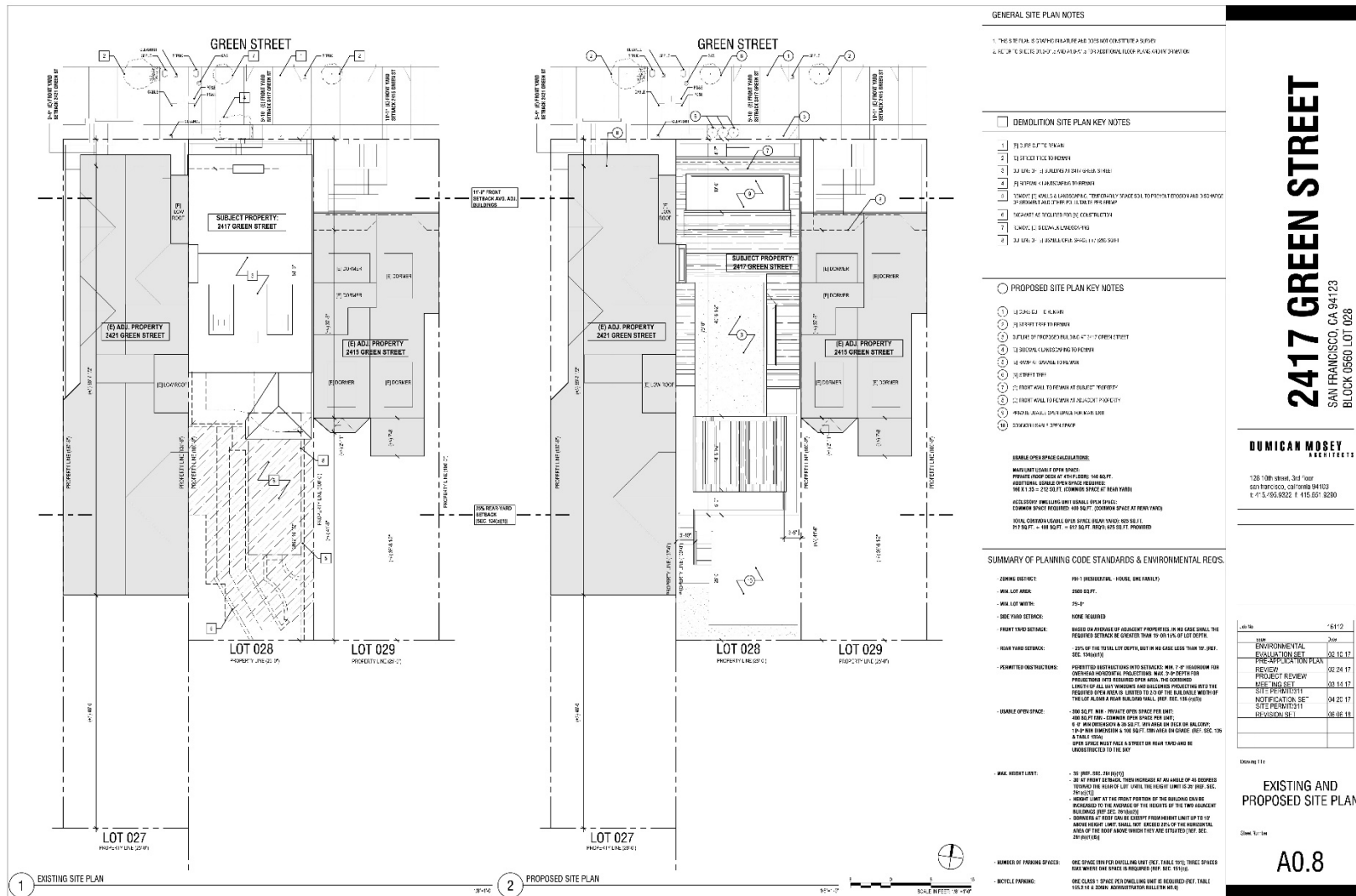


Figure 2 - Existing and Proposed Site Plans

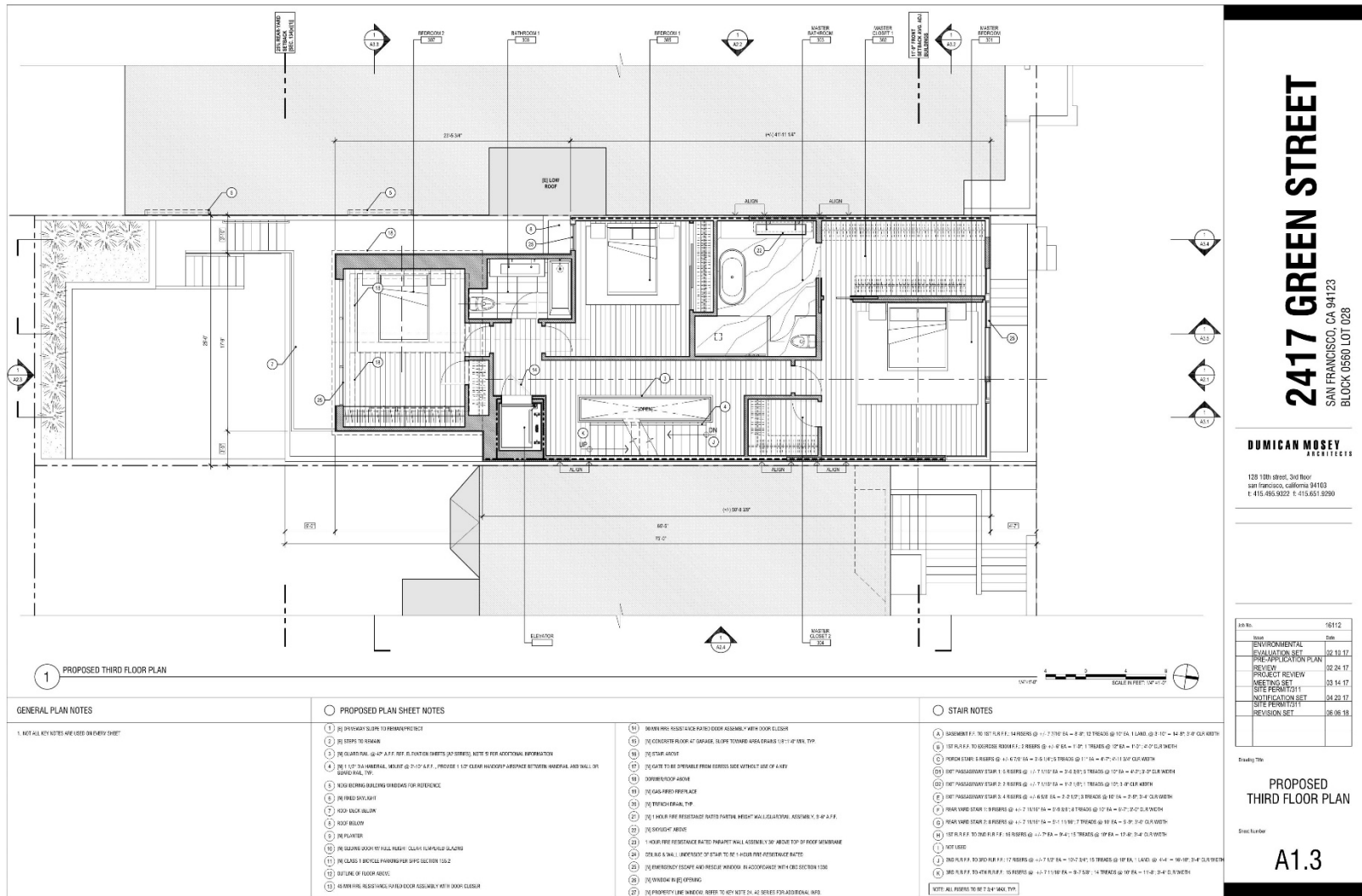


Figure 6 – Proposed Third Floor Plan

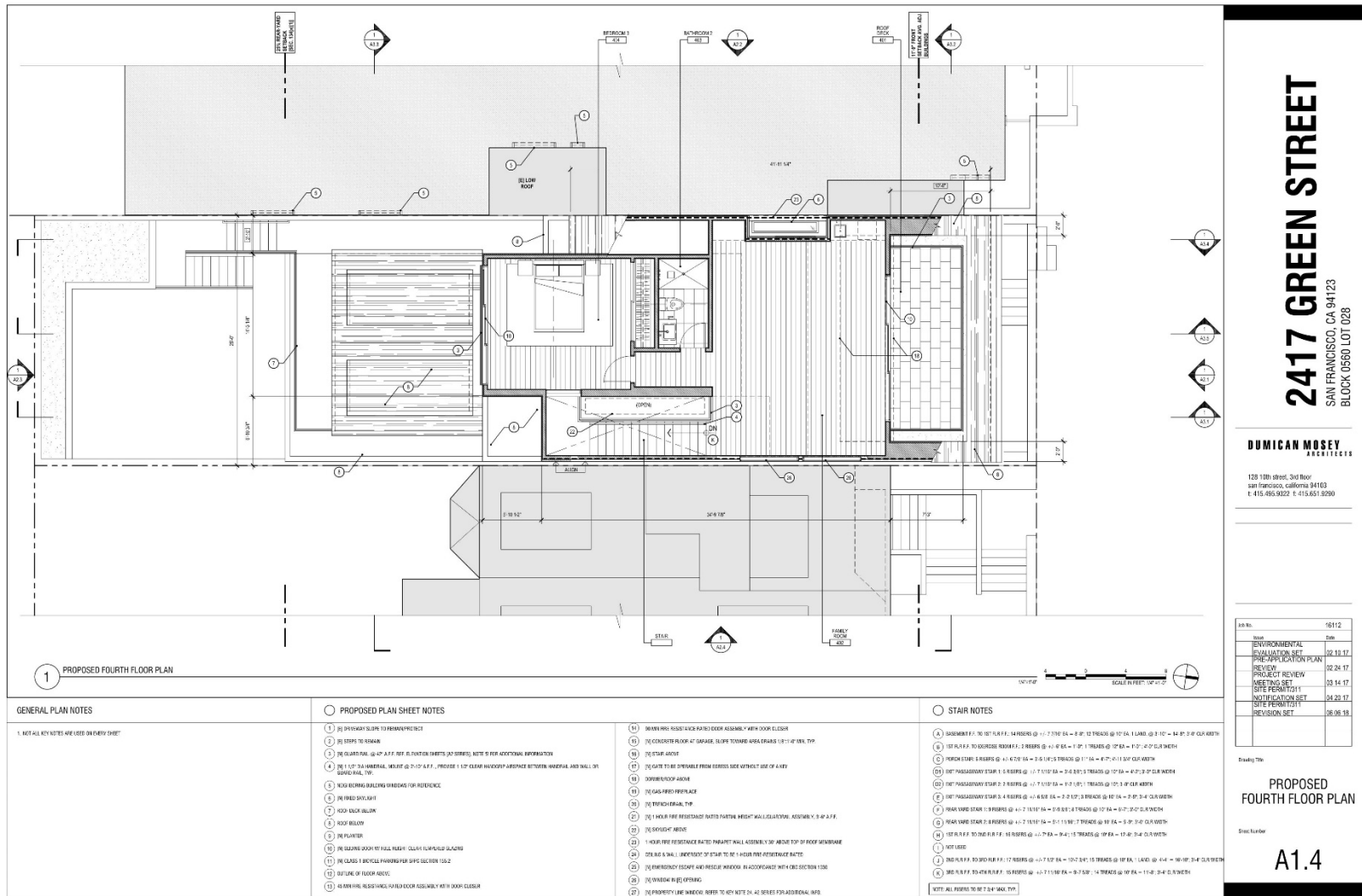


Figure 7 – Proposed Fourth Floor Plan



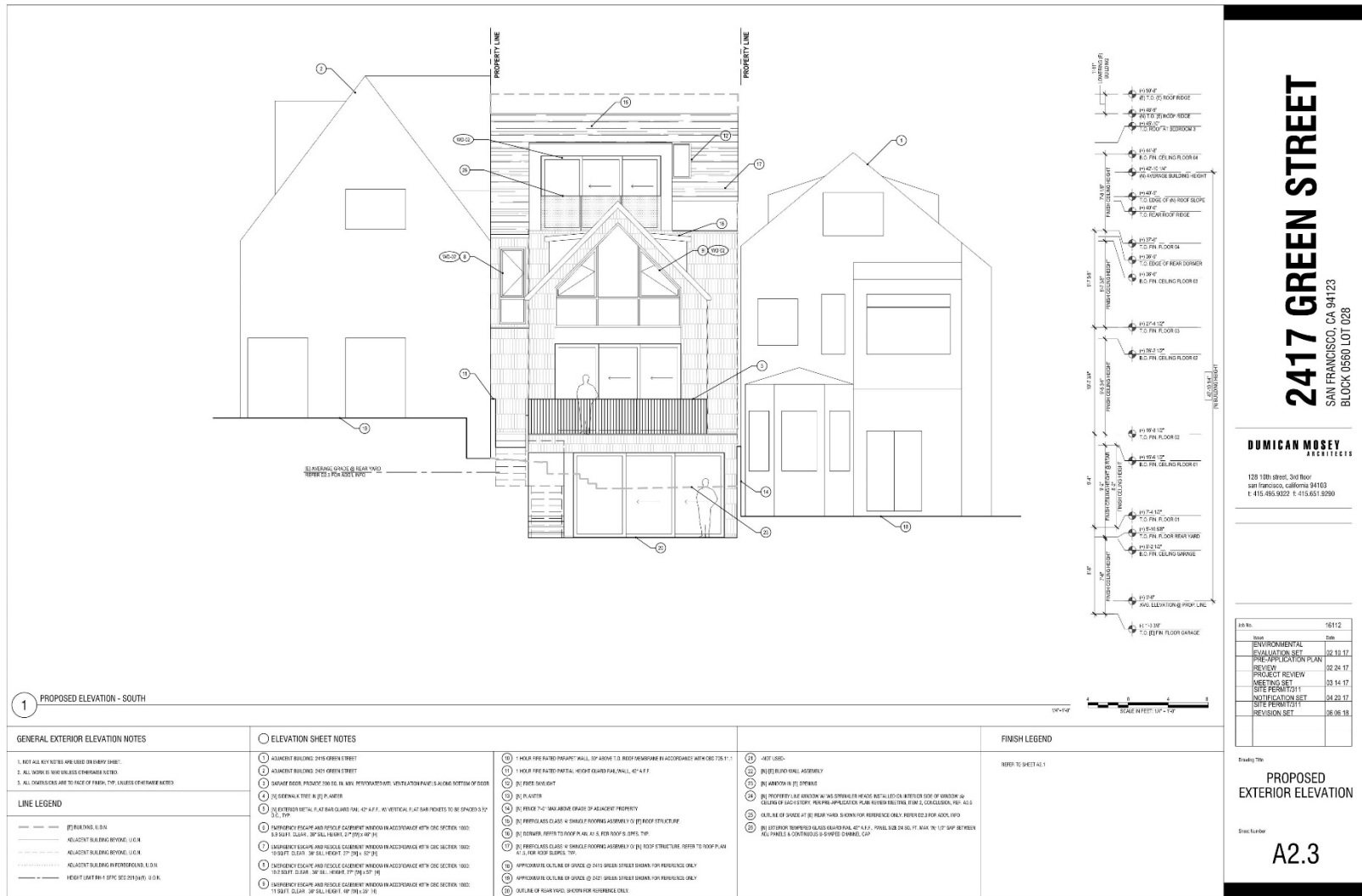


Figure 10 – Proposed South (Rear) Elevation





Figure 13 – Projects within One-Quarter Mile of the Project Site

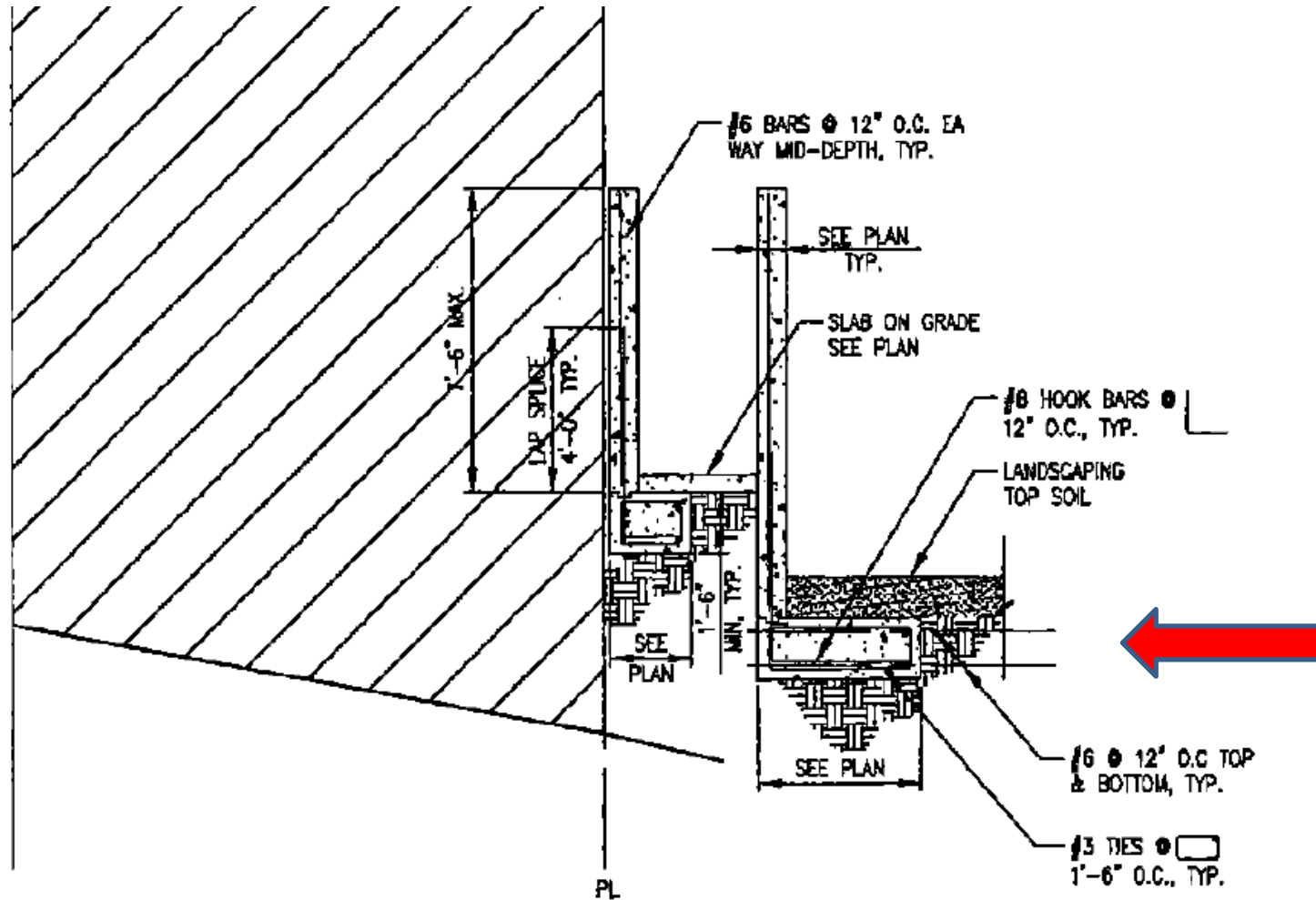


Figure 14 – Detail 3 on Sheet S4.1 of Building Permit Application No. 201705116316

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Exhibit D

PMND Comment Letter

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From: [Peter Wilton](#)
To: [Poling, Jeanie \(CPC\)](#)
Cc: [Gibson, Lisa \(CPC\)](#); [xiaomu](#)
Subject: 2417 Green Street: Appeal of Preliminary Mitigated Negative Declaration,(2017-002545ENV)
Date: Monday, July 15, 2019 6:22:32 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms Poling:

My name is Dr. Peter C. Wilton, owner of 2465-1/2 Union St, San Francisco. As a property owner downhill from the above-referenced property, I am writing to express my objections to the above-referenced determination.

I wholly concur and wish to cojoin the objections filed with you today by Mr Richard Drury, of Lozaeu Drury LLP, who has outlined substantial objections to the above-referenced determination, which we believe the City Planning Department is duty bound to consider in a thoughtful, transparent, and professional manner.

Furthermore, we assert that the proposed excavations associated with the development application at 2417 Green Street cannot be taken in isolation. Similar substantial excavations are planned for another property at 2452 Green Street, pursuant to a development application pending with City Planning on that property.

It is our opinion and urgent concern that collectively these excavations are likely to disrupt both the geological stability, and subterranean water flows of the hillside along Green Street and bounded by Pierce and Scott Streets, creating substantial risks for multiple properties along and adjoining Green Street. Unless the City is prepared to accept liability for its authorization of such works and the consequent risks to other properties in the area of these proposed works, we request that the determination noticed above be withdrawn or further reviewed thoroughly and professionally, with a transparent and evidence-based assessment of the risks outlined above, per the recommendations in the objection filed today by Mr Drury.

Sincerely,

Dr. Peter C. Wilton

2465-1/2 Union St
San Francisco, CA. 94123
415-425-5151

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