



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 3, 2010
TO: San Francisco Planning Commission
FROM: Michael Jacinto, Planning Department, MEA
RE: Appeal of Preliminary Mitigated Negative Declaration for
555 Fulton Street, Assessor's Block 0794, Lots 015, 028
Planning Department Case No. 2005.1085E
HEARING DATE: **May 13, 2010**

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

Case No. 2005.1085E – 555 Fulton Street: The project site is located at 555 Fulton Street, on the south side of Fulton Street, between Octavia, Laguna and Birch Streets. The proposed project would include demolition of an existing two-story, approximately 19,620-square-foot office and industrial building with about 70 surface parking spaces and new construction of a five-story, approximately 55-foot-tall, 245,610- gross square feet building with 136 residential units, ground-floor commercial (supermarket) space, and up to 205 parking spaces (as proposed) in a two-level underground parking garage. The project site is located in the Hayes-Gough Neighborhood Commercial Transit District, the Residential Transit-Oriented District and the Fulton Street Grocery Store Special Use District and a 40-X/50-X Height and Bulk District.

This matter is calendared for public hearing on May 13, 2010. Enclosed are the appeal and comment letters, staff responses, the amended Mitigated Negative Declaration, and the draft motion.

If you have any questions related to this project's environmental evaluation, please contact me at 415-575-9033 or michael.jacinto@sfgov.org.

Thank you.



SAN FRANCISCO PLANNING DEPARTMENT

Appeal of Preliminary Mitigated Negative Declaration Executive Summary

HEARING DATE: MAY 13, 2010

Case No.: 2005.1085E
Project Address: 555 Fulton Street
Zoning: Hayes-Gough NCT / RTO / Fulton Street Grocery Store SUD
40-X/50-X Height and Bulk District
Block/Lot: 0794/015, 028
Project Sponsor: Trust for the Children of Henry Wong
David Silverman, Esq., Reuben & Junius, LLP – (415) 576-9000
Staff Contact: Michael Jacinto – (415) 575-9033
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PROPOSED COMMISSION ACTION:

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

PROJECT DESCRIPTION:

The proposed project would result in demolition of an existing two-story, approximately 19,620-square-foot office and industrial building with about 70 surface parking spaces and construction of a five-story, approximately 55-foot-tall, mixed-use building with a total of approximately 245,610 gross square feet, comprised of 136 residential units (32 studio, 48 one-bedroom, 56 two-bedroom), about 32,800 square feet of ground-floor commercial (supermarket) space, and up to 205 spaces of parking (as proposed) in a two-level underground parking garage. Residential access would be from midblock entrances on Fulton and Birch Streets. Retail access would be from Laguna Street. Access to the garage would be from entries on Fulton, Octavia and Birch Streets. The project would require Conditional Use authorization from the Planning Commission for residential and commercial uses on a lot exceeding 10,000 square feet (Planning Code Section 720.11); commercial space above 3,000 square feet (Section 720.21); excess parking for grocery use greater than 20,000 square feet (Section 720.22); excess parking for residential use (Section 720.94), and approval as a Planned Unit Development (Section 304).

ISSUES:

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on March 3, 2010, and received an appeal letter from Mr. Temple Tse, local resident of 580 Fulton Street on March 22, 2010, appealing the determination to issue a MND. The appeal letter states that the PMND fails to adequately address the following issues:

1. Land Use (project compatibility with surrounding neighborhood, land use intensity, etc.)
2. Aesthetics and Shadow (proposed project's height and massing, view obstruction, and shading of off-site properties)
3. Biological Resources (project effects on bird and plant species)
4. Traffic, Circulation and Parking
5. Hazardous Materials and Pollution

Additional comment letters were received by Mr. Jason Henderson, Chair of the Hayes Valley Neighborhood Association's Transportation and Planning Committee and by Mr. Mike Berline, Manager, 555 Fulton Associates. These letters raised issues related to project parking and circulation, as well as omissions and corrections to the PMND.

All of the issues raised in the Appeal Letter and other comment letters have been addressed in the attached materials, which include:

1. A Draft Motion upholding the decision to issue an MND;
2. Exhibit A: Appeal Letter from Mr. Temple Tse, Neighbor and Planning Department Response to the Appeal, including correspondence from the Department of Public Health and TOVA Applied Science and Technology;
3. Exhibit B: PMND Comment Letter from the Hayes Valley Neighborhood Association and Staff Responses; Comment Letter from 555 Fulton Associates, LLC (Mr. Berline) and Staff Responses;
4. Exhibit C: MND and Initial Study, as amended, with deletions shown in ~~striketrough~~ and additions shown in double-underlined text.

RECOMMENDATION:

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



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Motion

HEARING DATE: May 13, 2010

Hearing Date: May 13, 2010
Case No.: **2005.1085E**
Project Address: 555 Fulton Street
Zoning: Hayes-Gough NCT / RTO / Fulton Street Grocery Store SUD
40-X/50-X Height and Bulk District
Block/Lot: 0794/015, 028
Project Sponsor: Trust for the Children of Henry Wong
David Silverman, Esq., Reuben & Junius, LLP – (415) 576-9000
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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2005.1085E FOR THE PROPOSED DEVELOPMENT (“PROJECT”) AT 555 FULTON 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 [November 21, 2005](#), pursuant to the provisions of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department (“Department”) received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On [March 3, 2010](#), the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On [March 3, 2010](#) a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On [March 22, 2010](#), an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Mr. Temple Tse, resident of 580 Fulton Street.
5. A staff memorandum, dated [May 3, 2010](#), addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff’s findings as to those points are incorporated by reference herein as the Commission’s own findings. Copies of that memorandum

have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

6. On [May 3, 2010](#), amendments were made to the Preliminary Mitigated Negative Declaration, adding the text, as presented in full in Exhibit C, to clarify that such amendments do not include new, undisclosed environmental impacts and do not change the conclusions reached in the Preliminary Mitigated Negative Declaration. The changes do not require “substantial revision” of the Preliminary Mitigated Negative Declaration, and therefore recirculation of the Preliminary Mitigated Negative Declaration would not be required.
7. On [May 13, 2010](#), the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the [May 13, 2010](#) City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
9. After consideration of the points raised by appellant, both in writing and at the [May 13, 2010](#) hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department’s case file.
11. The Planning Commission finds that Planning Department’s determination on the Mitigated Negative Declaration reflects the Department’s independent judgment and analysis.

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

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on [May 13, 2010](#).

Linda Avery
Commission Secretary

AYES:
NOES:
ABSENT:
ADOPTED:

EXHIBIT A

San Francisco Planning Department
Attn: Bill Wycko
1650 Mission Street, Suite 400
San Francisco, CA 94103

March 22, 2010

Dear San Francisco Planning Department,

I wish to appeal the Mitigated Negative Declaration for : Case No.: 2005.1085E (Project Title: 555 Fulton Street Retail-Residential Project. See attachment.) because the details of the actual history and usage of said property has not been properly looked into and addressed.

Intro-1

No real attempt has been put into consideration how the project will put at risk safety and how the project will adversely affect local wildlife, toxicity, and neighborhood character.

Wildlife Impacts:

Certain species of Federally Protected wildlife inhabits the area.

The project will directly and indirectly destroy wildlife habitat that is currently depended upon by robins, blue jays, mockingbirds, sparrows, swallows, blackbirds, hummingbirds, finches, owls, red tailed hawks, doves, etc.

BIO-1

The proposed behemoth structure will block sunlight and destroy private neighborhood wildlife sanctuaries due to decreased light and temperature. (This actually happened 1 block down Fulton Street when some of the local businesses were converted into condos. At the time, it was determined that there would be no environmental impact. But, there definitely was negative impact. The Freedom West Apartments on the north side of the 400 block of Fulton Street got darker and colder and much vegetation died for much smaller sized developments.)

SH-1

What is the effect of destroying food source and the shelter of the "private patio" wildlife sanctuaries that have been used by wild birds for well over thirty years?

BIO-2

I personally know that certain families of birds come every spring and fall and habitually seek safety and shelter in our mini patio refuge for over thirty years... " What is the effect of losing this microcosm on the environment?"

Different species of birds come for shelter during different times throughout the year. What is the effect of increased pollution and decreased in light and temperature to existing wildlife habitat and seasonal wildlife? How will this affect the ecosystem and wildlife food chain?

BIO-3

Toxicity & Toxic Waste Exposure:

The proposed development site was historically used to fuel and repair heavy industrial equipment, machinery, and big rig trucks by **Berkeley Farms** and **Olympic Gas** for many decades.

HM-1

Since it was common place to dump oil, gas, and chemicals into the ground and sewers in the old days, "How contaminated is the underground soil and how will the project contain the toxic contamination to prevent seepage and exposure to the surrounding neighborhood and environment?"

Negative Neighborhood Impacts:

With an 136 additional residents living on the property in addition to a supermarket being built, the 5 story block wide development changes entirely the character of the neighborhood. Much more people means much more Parking and Pollution problems. So how was this issue just waved off?

LU-1

Residents of 580 and 590 Fulton Street will have their view of sky blocked!

These residents will be living in colder and darkened conditions. Furthermore, these residents will no longer get any morning Sunlight. How does this comply with the existing building laws?

SH-2

The problems of much increased people, parking, and pollution also seems to be ignored as if hundreds of extra cars and people every hour (compared to having few people before) have virtually no impact on the neighborhood and environment. **How can this be possibly true?**

PE-1

These are just some of the reasons why I wish to appeal the determination that there is no significant effect on the environment decision by the San Francisco Planning Department.

Sincerely,

Temple Tse



580 Fulton Street, Apt. D , San Francisco, CA 94102

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

Case No. 2005.1085E – 555 FULTON STREET RESIDENTIAL-RETAIL PROJECT
PUBLISHED ON MARCH 3, 2010

Concerns raised in the Appeal Letter (which are attached) are presented below. These concerns are numbered in the order in which the Initial Study checklist subject appears in the PMND and are followed by the Planning Department's responses. Each concern is enumerated in the margin of the attached appeal letter. Responses to comments raised on the PMND not related to this appeal are organized in a similar fashion and presented in Exhibit B.

Land Use

Concern [LU-1]

With 136 additional residents living on the property in addition to a supermarket being built, the 5 story block wide development changes entirely the character of the neighborhood. Much more people means much more Parking and Pollution problems. So how was this issue just waved off? (*Temple Tse*)

Response to Concern [LU-1]

The PMND, pg. 29, notes that onsite residential population would be an estimated 228 residents.

The appeal comment asserts that the proposed project would “entirely change the character of the neighborhood.” While the project would increase the intensity of use on the project site, the PMND found that the mixed-use project would not be incompatible with other existing uses in the neighborhood, and the resulting land use pattern on the project block would be similar to (and less intensive than) other blocks in the immediate vicinity. A three-story residential apartment complex is located directly across from the project site on the north side of Fulton Street, while other two- to four-story residential buildings are located on neighboring blocks. The area is not strictly residential, however; neighborhood commercial uses—such as a small grocery, automotive repair shop, art gallery, mortuary, retail shops, and restaurants—are located on nearby blocks.

As acknowledged in the PMND, the project building would be one to three stories taller than many buildings in the area, and that there are comparably scaled buildings located in the project vicinity. The project would comply with the height and bulk limits of the 40-X/50-X Height and Bulk District in which the site is located.

With respect to the project being a “block-wide development,” the project’s lots (015, 028) provide a surface area of 44,340 square feet of the project block’s total 49,560-square-foot area (excluding sidewalks). Stated another way, the subject property’s lots two occupy 89 percent of the Block 0794 on which the site is located. The proposed project’s footprint would cover the entirety of these two lots. The Jehovah’s Witness Kingdom Hall, on a 5,220-square-foot lot on the corner of Octavia and Fulton Streets, occupies the remaining 11 percent of the block’s surface area on lot 001 (excluding sidewalks). As such, the proposed project’s footprint would not occupy this entire block, but would, on its southern side, indeed be a “block wide” development.

The PMND, pg. 22, notes that a variety of block sizes are present as an existing physical characteristic of the neighborhood. The block to the north of the subject property (Assessor Block 784), between Laguna Street to the west, Gough Street to the east contains an area of 245,850 square feet and accommodates 11 buildings that have a combined footprint of approximately 89,265 square feet, or roughly 36 percent of the block area.



The project would be denser, in terms of block coverage and onsite dwelling units than some blocks that surround it. As indicated on pg. 16 of the PMND, Planning Code Section 249.35A requires that residential uses achieve a density of not less than one unit per 600 square feet of lot area. The project would have a density of about one unit per 325 square feet of lot area, which would meet the minimum density provisions established for the site’s Special Use District. The PMND, pg. 22 also states the project “would serve as a transition from the two residential blocks to its north in the former Western Addition A-2 Redevelopment Project Area, which interrupt the street grid and are twice as large...” For these and other reasons, Planning staff have determined that the proposed project would not adversely or substantially affect existing neighborhood character.

Regarding parking, San Francisco does not consider parking supply to be part of the permanent physical environment, and does not consider increased parking demand to constitute a significant impact pursuant to CEQA. That said, the issue of parking was not dismissed in the PMND. A traffic study was prepared for the project by a qualified transportation consultant, whose analysis included an evaluation of the proposed project's parking effects.

A summary of the parking analysis is presented on pages 49-52 of the PMND. As discussed therein, the project would generate a long-term residential parking demand for 172 residential parking spaces, with a midday demand of approximately 138 spaces. The project's short- and long-term demand for retail parking would be 133 retail spaces on weekdays and 152 retail spaces on weekends. With 195 proposed parking spaces (102 spaces for residential use and 91 spaces for use by the proposed grocery store), there would be a midday shortfall of 112 vehicles on weekdays and 131 vehicles on Saturdays based on parking supply allowable by Conditional Use authorization. The shortfall in long-term overnight residential parking supply would be 70 spaces, which would be accommodated by surplus overnight retail spaces, due to a lack of overnight demand for retail parking. Should the Commission decide to not grant Conditional Use authorization for accessory parking, the midday shortfall would be 171 vehicle spaces on weekdays and 190 vehicles on Saturdays.

As noted in the PMND, drivers would respond to the midday parking shortfall by parking in on-street parking spaces, carpooling, using public transit, bicycling, or using other forms of travel. This shift to alternative transportation modes would be consistent with San Francisco's "Transit First" policy, established in the City's Charter Section 16.102. The discussion in the PMND also notes that the parking analysis accounted for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking was not available. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained conditions in a given area. Consequently, any secondary environmental impacts which could result from a shortfall in parking in the vicinity of the project site would be minor.

Finally, the appeal comment expresses concern about the increased pollution that would be generated by the project. The comment does not specify the source of pollution, but because it was conjoined with a parking concern (i.e., traffic related) it is assumed the reference is to air pollutants, which would be generated primarily by project-related traffic. As discussed in the PMND on pages 62 through 82, the Bay Area Air Quality Management District (BAAQMD) is the primary regulatory agency in the Bay Area responsible for enforcing air pollution standards established by the State and federal Clean Air Acts. Within the Bay Area, evaluation of a project's potential to generate harmful air pollutants is guided by the District's *BAAQMD CEQA Guidelines*. The *BAAQMD CEQA Guidelines* indicate that a detailed air quality analysis is not generally recommended for residential projects with fewer than 320 single-family or 510 multi-family units, or projects that would generate fewer than 2,000 vehicle trips per day. Although the project's proposed 136 residential units would fall below the unit threshold, the project would generate 3,704 daily vehicle trips. Accordingly, an air quality analysis was performed by a qualified air quality consultant that included a quantification of the projected carbon monoxide emissions of the project.

The PMND noted that additional traffic from the project could cause existing non-project traffic to travel at slower speeds, thereby increasing emissions of air pollutants and potentially resulting in localized carbon monoxide (CO) violations near congested intersections. To evaluate this potential, a microscale impact analysis was conducted adjacent to the four signalized intersections that would be most impacted by project traffic. The air quality analysis demonstrated that no exceedances would occur in the vicinity of the analyzed intersections. Therefore, the effect of the project on local carbon monoxide standards would be less than significant. Furthermore, CO concentrations are expected to drop over time as a result of improved fuel mixtures and the retirement of older, more polluting vehicles and their replacement by cleaner and more fuel efficient models.

Population and Employment

Concern [PE-1]

The problems of much increased people, parking, and pollution also seems to be ignored as if hundreds of extra cars and people every hour (compared to having few people before) have virtually no impact on the neighborhood and environment. How can this be possibly true? (*Temple Tse*)

Response to Concern [PE-1]

The appeal comment expresses concern about the increased population that would be generated by the project and the effects this would have on parking, pollution, and the neighborhood environment. These concerns were addressed in the preceding Response to Concern LU-1.

Planning staff have determined that the proposed project would be compatible with the existing neighborhood character, and that population growth attributable to the project (est. 285 residents) could be accommodated at the site without detrimental impacts and in a manner consistent with areawide planning in the Market and Octavia Neighborhood Plan area and regional projections for citywide growth (see PMND, pp. 30-31). See previous response, beginning on pg. 2, related to parking and traffic.

Wind and Shadow

Shadow

Concern [SH-1]

The proposed behemoth structure will block sunlight and destroy private neighborhood wildlife sanctuaries due to decreased light and temperature. (This actually happened 1 block down Fulton Street when some of the local businesses were converted into condos. At the time, it was determined that there would be no environmental impact. But, there definitely was negative impact. The Freedom West Apartments on the north side of the 400 block of Fulton Street got darker and colder and much vegetation died for much smaller sized developments.) *(Temple Tse)*

Response to Concern [SH-1]

The appeal comment asserts that increased shadows from the project will destroy “private wildlife sanctuaries” as a result of reduced sunlight and lower temperatures. While, as acknowledged in the PMND, the project would create new shadows on some neighboring properties, the specific properties affected would vary according to the time of year and time of day, with no single property being unduly shadowed for extended periods. New shadows would generally occur for a few hours or less at specific locations and would not adversely affect nearby outdoor public open spaces such as parks. There is no evidence that such limited shadow effects would result in colder indoor temperatures at the affected properties. While it is

acknowledged that certain house plants with direct sunlight requirements may potentially be affected, there are no nearby outdoor wildlife sanctuaries with the potential to be affected by the proposed project (see Response to Biological Resources, page 7).

The PMND concluded, on pages 83 and 84, that the proposed project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are common and generally accepted in urban areas. Accordingly, the project's effects related to shading would be less than significant in the context of the established criteria of whether a project would "create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas."

Concern [SH-2]

Residents of 58 and 590 Fulton Street will have their view of the sky blocked! These residents will be living in colder and darkened conditions. Furthermore, these residents will no longer get any morning sunlight. How does this comply with the existing building laws? (*Temple Tse*)

Response to Concern [SH-2]

The appeal comment asserts that residents of the buildings at 580 and 590 Fulton Street will be living in colder, darker conditions as a result of the loss of morning sunlight. As noted in Response to Concern SH-1, above, and acknowledged in the PMND, the project would create new shadows on adjacent sidewalks and on some neighboring properties. The longest shadows would extend to the west of the project on winter mornings and to the east during winter afternoons, not to the two properties to the north referenced in the comment. As noted in Response to Concern SH1, with new shadows occurring for a few hours at any given location, there is no evidence that such shadow effects would substantially alter temperatures or result in colder indoor temperatures at the affected properties. The PMND correctly concluded that the proposed project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are common and generally accepted in urban areas, and the project's shadow impacts would therefore be less than significant.

With respect to how the project would comply with existing laws pertaining to shadow, as stated above, CEQA evaluates potential shadow effects based on a project's potential to "create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas."

The applicable criterion related to a project's potential to affect views is whether it would "have a substantial effect on a scenic vista" (*CEQA Guidelines*, Appendix G). Neither transitory shadows nor reduced views of the sky from surrounding private residents would rise to a level of significant impact.

The City of San Francisco has a Sunlight Ordinance, established by Proposition K in 1984 and codified in Section 295 of the *Planning Code*. As discussed on page 83 of the PMND, Section 295 protects parks and recreation centers under the jurisdiction of the Recreation and Park Department, as well as properties the Department may acquire, from new shadows. Although new shadows created by the project would extend toward several Recreation and Park Department properties (Alamo Square, the Ella Hill Hutch Recreation Center, and the Buchanan Street Mall), a shadow analysis performed for the project determined that both distance and intervening buildings would prevent the project's shadow from reaching these properties. Thus, the proposed project would not conflict with the provisions of Planning Code Section 295.

In conclusion, some reduced private views and increased shade on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views and addition of new project shadow on nearby open spaces, such as grassy front setback areas adjacent to public sidewalks and private properties would not exceed that commonly expected in an urban setting. Neither project shading nor the potential loss of private views would constitute a significant impact under CEQA.

Biological Resources

Concern [BIO-1]

Certain species of Federally Protected wildlife inhabits the area. The project will directly and indirectly destroy wildlife habitat that is currently depended upon by robins, blue jays, mockingbirds, sparrows, swallows, blackbirds, hummingbirds, finches, owls, red tailed hawks, doves, etc. (*Temple Tse*)

Response to Concern [BIO-1]

The appeal comment asserts that federally-protected wildlife species inhabit the area and would be adversely affected through the destruction of habitat.

As discussed in the PMND, the project site is within a developed, urbanized portion of the City. The site is characterized by paved, impervious surfaces with, in some areas, climbing vines planted on walls and fencing and landscape trees along Fulton, Laguna, Octavia and Birch Streets. The existing paved areas, building structures, vegetated walls/fences, and landscape street trees provide a biological setting that is typical of urban areas throughout the San Francisco Bay Area.

In response to this concern, the site was surveyed by a qualified biologist and the special-status animal records of the California Department of Fish and Game's Natural Diversity Database (CNDDDB) was reviewed.¹ Based on records for the San Francisco South and San Francisco North USGS, 7.5-min topographic quadrangles, there are a number of special status animals occurring or historically occurring in San Francisco.

Some of the special-status animal species, such as the Bay checkerspot, Mission blue butterfly, and San Bruno elfin butterfly, occur within native grasslands, and on specific larval host plants that do not occur on the project site. Other species, such as the San Francisco garter snake, California red-legged frog, pond turtle, sea otter, and the four birds (black rail, common yellowthroat, Alameda and San Pablo song sparrows) occur in aquatic and marine sites, along streams, ponds, or salt marshes, all of which are absent from the project site. The remaining special-status species – the bumblebee scarab beetle, the bank swallow and the silverspot butterfly -- occur along coastal bluffs or sand dunes and coastal scrub vegetation. The western red bat occurs in conifer tree habitat. Coastal bluff, sand dunes, coast scrub and conifer tree habitats do not occur on the project site.

Tall trees often provide the physical structure to support nesting for a number of bird species, including migratory birds. In many areas of the San Francisco Bay region red-tailed hawks and owls occasionally use large trees as nesting sites. Federal and state laws confer special status to raptors and migratory species, and their breeding habitats.

The Federal Migratory Bird Treaty Act (MBTA, 16 U.S.C., Sec. 703, Supp I) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the

¹ Dr. Booker Holton, Ph.D, Tova Applied Science and Technology, *Wildlife Impacts at 555 Fulton Street Retail-Residential Project Mitigated Negative Declaration*, April 5, 2010. This report is available for public review at the Planning Department 1650 Mission Street, Suite 400, in Case No. 2005.1085E

Secretary of the Interior. The MBTA encompasses whole birds, parts of birds, and bird nests and eggs. Migratory is defined broadly in the MBTA so that most native birds fall under its provisions. The MBTA is typically applied on domestic projects to prevent injury or death of nesting birds and their chicks. Sections 3503 and 3503.5 of the California Fish and Game Code, also protects nesting raptors, their nests, and eggs.

There are no trees on the project site. Landscaped trees do occur along the streets bordering the site, but these street trees do not contain recognizable nests or nest-like structures of migratory birds or any other bird species. Raptor nests, such as that for the red-tailed hawk or owls, would be recognizable by the following structural characteristics:

- A substantial platform of sticks and twigs with leaves, or debris constructed at the fork or crotch of tall trees (hawks),
- A tree cavity with little or no nesting material (owls).

None of these structures exist in the street trees surrounding the project site. Given the isolated distribution of the relatively short-statured street trees in a disturbed, urban matrix of paved surfaces, buildings, traffic noise and human intrusion; it is highly unlikely that migratory birds and raptors (birds of prey) would use these trees for nesting. Such trees and any other suitable structures, such as utility poles, buildings, etc. may frequently be used as temporary roosting sites, but are not typically used as nesting habitat in urban areas. Desirable foraging habitats for these birds, consisting of "green space", undeveloped vegetated lands, etc. does not exist on or near the project site.

The common occurring birds (American robin, blue jay, mockingbird, etc.) identified in the comment letter are typically found in urban areas, yards, gardens, parks, etc. and may frequently pass through or near the project site. The project site, however, provides severely limited foraging and nesting habitat for these species.

In summary, the proposed project would not adversely affect a Federally- or State of California-listed animal species and would not impact the foraging or nesting habitat for migratory or resident bird populations. To be structurally effective as an urban wildlife refugia or sanctuary, the project site would need to be physically connected to a park, undeveloped parcel, "green

space", lawns, or a series of large, landscaped backyards all linked together in an area or citywide system. Such is not the case with the site located at 555 Fulton Street.

Concern [BIO-2]

What is the effect of destroying food source and the shelter of the "private patio" wildlife sanctuaries that have been used by wild birds for well over thirty years? I personally know that certain families of birds come every spring and fall and habitually seek safety and shelter in our mini patio refuge for over thirty years... " What is the effect of losing this microcosm on the environment?" (*Temple Tse*)

Response to Concern [BIO-2]

The proposed project would not adversely affect neighboring properties. As noted in the previous response, the project would not destroy a food source and shelter provided to wildlife on private patios and decks located in neighboring residential buildings. As discussed in Response to Concern SH1, new shadows created by the project would affect any given location for a few hours at most, depending on location and season, and these changes are not expected to substantially affect the health and viability of outdoor plants adapted to small decks and patios. As noted in the preceding response, a qualified biologist reviewed the proposed project and concluded that the proposed project would not adversely affect wildlife.

Concern [BIO-3]

Different species of birds come for shelter during different times throughout the year. What is the effect of increased pollution and decreased in light and temperature to existing wildlife habitat and seasonal wildlife? How will this affect the ecosystem and wildlife food chain? (*Temple Tse*)

Response to Concern [BIO-3]

As discussed in Response to Concern SH-1, new shadows created by the project would affect any given location for a few hours at most, and these changes would not substantially affect the health and viability of outdoor plants adapted to small decks and patios. As noted in the above response, a qualified biologist reviewed the proposed project and concluded that the proposed project would not adversely affect wildlife.

Hazards and Hazardous Materials

Concern [HM-1]

The proposed development site was historically used to fuel and repair heavy industrial equipment, machinery, and big rig trucks by Berkeley Farms and Olympic Gas for many decades. Since it was common place to dump oil, gas, and chemicals into the ground and sewers in the old days, "How contaminated is the underground soil and how will the project contain the toxic contamination to prevent seepage and exposure to the surrounding neighborhood and environment?" (*Temple Tse*)

Response to Concern [HM-1]

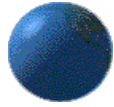
As discussed on PMND pp. 102-107, a Phase 1 Environmental Site Assessment (ESA) of the project site was performed to identify and assess potential hazards from toxic substances that may be present on the site as the result of previous industrial use of the site and/or that may have migrated onto the site following chemical releases on nearby properties. As noted in the comment, the site was previously used by gas stations, auto service stations, and a dairy, all of which stored diesel fuel and gasoline in underground storage tanks (USTs). The five USTs previously present on the site were removed in 1999, but small amounts of petroleum hydrocarbons and methyl ter-butyl ether (MTBE) were encountered in site soils and groundwater samples revealed contamination with petroleum hydrocarbons. In addition, soil vapor sampling indicated potential indoor air contamination in the existing warehouse on the site from volatile hydrocarbons migrating from the contaminated soils and groundwater.

Because remediation of the site's soil and groundwater contamination was not previously completed following removal of the USTs, the PMND identified a potentially significant impact related to potential exposure to these hazardous materials remaining in the environment. To reduce this potential impact to a less-than-significant level, the PMND requires implementation of Mitigation Measure M-HZ-1, which sets forth detailed requirements for soil sampling, testing, and, if warranted by elevated contaminant levels, remediation of the site. If contaminants above potentially hazardous levels are encountered, the applicant will be required to prepare and implement a detailed Site Mitigation Plan (SMP), that will be subject to review and approval by the San Francisco Department of Public Health (SFDPH). Mitigation Measure M-HZ-1 sets forth requirements for proper disposal of any contaminated soils removed from the site and for protection of surface water quality and air quality (i.e., suppression of dust) during site

excavation and project construction. Verification of a satisfactory closure/certification report by SFDPH will be required before a building permit will be issued to the project.

As illustrated in the attachment to this exhibit, the Department of Public Health has reviewed and approved of the sponsor's work scope for its Corrective Action Plan to address specific areas of contamination on the site.

Implementation of Mitigation Measure M-HZ-1 will ensure that any subsurface contamination at the site will be remediated; implementation of the proposed project would therefore prevent offsite migration of contaminants and exposure of the surrounding neighborhood and environment to such contaminants.



TOVA

Applied Science & Technology

April 5, 2010

Mr. Stu During
During Associates
120 Montgomery Street, Suite 2290
San Francisco, CA 94104-4325

Re: Response to Comment – Wildlife Impacts at 555 Fulton Street Retail-Residential Project Mitigated Negative Declaration, Case No. 2005.108SE

Dear Mr. During:

This letter responds to Temple Tse's concerns expressed in a March 22, 2010 comment letter on the potential adverse effects of the proposed Retail-Residential Project located at 555 Fulton Street. The comment letter indicated that the site of the proposed project contains habitat for Federally Protected wildlife and that the project would adversely affect neighborhood wildlife sanctuaries and impact birds.

As discussed in the Mitigated Negative Declaration for the Project, the project site is within a developed, urbanized portion of the City. The site's physiognomy is characterized by paved, impervious surfaces with, in some areas, climbing vines planted on walls and fencing and landscape trees along Fulton, Laguna, Octavia and Birch Streets. The existing paved areas, building structures, vegetated walls/fences, and landscape street trees provide a biological setting that is typical of urban areas throughout the San Francisco Bay Area.

Temple Tse's comment letter on the Mitigated Negative Declaration for the proposed project mentioned that "certain species of Federally Protected wildlife inhabits the area". To verify this assertion, I conducted a visit of the project site and reviewed the special-status animal records of the California Department of Fish and Game's Natural Diversity Database (CNDDDB). Based on records for the San Francisco South and San Francisco North USGS, 7.5-min topographic quadrangles, there are a number of special status animals occurring or historically occurring in San Francisco (Appendix, Table 1).

Special-Status Animal Species

Some of the special-status animal species listed in Appendix, Table 1, such as the Bay checkerspot, Mission blue butterfly, and San Bruno elfin butterfly, occur within native grasslands, and on specific larval host plants that do not occur on the project site. Other species; such as the San Francisco garter snake, California red-legged frog, pond turtle, sea otter, and the four birds (black rail, common yellowthroat, Alameda and San Pablo song sparrows) occur in aquatic and marine sites, along streams, ponds, or salt marshes, all of which are absent from the project site. Finally, the remaining species -- bumblebee scarab beetle, bank swallow and silverspot butterfly -- occur along coastal bluffs or sand

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dunes and coastal scrub vegetation. The western red bat occurs in conifer tree habitat. Coastal bluff, sand dunes, coast scrub and conifer tree habitats do not occur on the project site.

Migratory Birds. Tall trees often provide the physical structure to support nesting for a number of bird species, including migratory birds. In many areas of the San Francisco Bay region red-tailed hawks and owls occasionally use large trees as nesting sites. Federal and state laws confer special status to raptors and migratory species, and their breeding habitats.

The Federal Migratory Bird Treaty Act (MBTA, 16 U.S.C., Sec. 703, Supp I) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA encompasses whole birds, parts of birds, and bird nests and eggs. Migratory is defined broadly in the MBTA so that most native birds fall under its provisions. The MBTA is typically applied on domestic projects to prevent injury or death of nesting birds and their chicks. Sections 3503 and 3503.5 of the California Fish and Game Code, also protects nesting raptors, their nests, and eggs.

There are no trees on the site located at 555 Fulton Street. Landscaped trees do occur along the streets bordering the site, but these street trees do not contain recognizable nests or nest-like structures of migratory birds or any other bird species. Raptor nests, such as that for the red-tailed hawk or owls, would be recognizable by the following structural characteristics:

- A substantial platform of sticks and twigs with leaves, or debris constructed at the fork or crotch of tall trees (hawks),
- A tree cavity with little or no nesting material (owls).

None of these structures exist in the street trees surrounding the project site. Given the isolated distribution of the relatively short-statured street trees in a disturbed, urban matrix of paved surfaces, buildings, traffic noise and human intrusion; it is highly unlikely that migratory birds and raptors (birds of prey) would use these trees for nesting. Such trees and any other suitable structures, such as utility poles, buildings, etc. may frequently be used as temporary roosting sites, but are not typically used as nesting habitat in urban areas. Desirable foraging habitats for these birds, consisting of “green space”, undeveloped vegetated lands, etc. does not exist on or near the project site.

The common occurring birds (American robin, blue jay, mockingbird, etc.) identified in the comment letter are typically found in urban areas, yards, gardens, parks, etc. and may frequently pass through or near the project site. The project site, however, provides severely limited foraging and nesting habitat for these species.

Conclusions

- Special-status animals do not occur on the project site. The project would not directly, or indirectly, affect (i.e., through habitat loss) a candidate, or listed threatened or endangered species.
- Urban land uses and residential development surrounds the project site. The project site is paved and developed. No native plant cover exists on the site.

- The landscaped street trees surrounding the project site have limited value as wildlife habitat. They are not representative of the native tree cover of California and do not provide nesting habitat for special status birds. There is no evidence that landscaped street trees adjacent to the project site are used for nesting. The urban landscaped and hardscape area surrounding the project site does not provide the optimum foraging or nesting habitat conditions to significantly sustain raptors and birds, including common birds that are typical of urban areas in San Francisco.

In summary, the proposed project would not adversely affect a Federally- or State of California-listed animal species and would not impact the foraging or nesting habitat for migratory or resident bird populations. To be structurally effective as an urban wildlife refugia or sanctuary, the project site would need to be physically connected to a park, undeveloped parcel, “green space”, lawns, or a series of large, landscaped backyards all linked together in an area or citywide system. Such is not the case with the site located at 555 Fulton Street.

Sincerely,

A handwritten signature in cursive script that reads "Booker Holton".

Booker Holton, Ph.D
Principal
TOVA Applied Science & Technology

APPENDIX

Table 1: Special Status Animal Species That Have Been Recorded to Occur In or Near San Francisco

Species	Status	Habitat Notes
<i>Actinemys marmorata</i> Northwestern pond turtle	SSC	Aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. Closest locations to project area are Pine Lake Park and Lake Merced.
<i>Callophrys mosii bayensis</i> San Bruno elfin butterfly	FE	Coastal, mountainous areas with grassy ground cover, mainly in the vicinity of San Bruno Mountain, San Mateo county. Colonies are located on steep, north-facing slopes within the fog belt. Larval host plant is <i>Sedum spathulifolium</i> .
<i>Enhydra lutris nereis</i> Southern sea otter	FT	Near shore marine environments from about Ano Nuevo, San Mateo County to Point Sal, Santa Barbara County. Needs canopies of giant kelp & bull kelp for rafting & feeding. Prefers rocky substrates with abundant invertebrates.
<i>Euphydryas editha bayensis</i> Bay checkerspot butterfly	FT	Restricted to native grasslands on outcrops of serpentine soil. <i>Plantago erecta</i> is the primary host plant. Closest location to project site is Twin Peaks.
<i>Geothlypis trichas sinuosa</i> Saltmarsh common yellowthroat	SSC	Resident of the San Francisco Bay region, in fresh and salt water marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.
<i>Lasiurus blossevillii</i> Western red bat	SSC	Roosts primarily in trees, 2-40 ft above ground, from sea level up through mixed conifer forests. Prefers habitat edges & mosaics with trees that are protected from above & open below with open areas for foraging. Recorded in Golden Gate Park.
<i>Laterallus jamaicensis coturniculus</i> California black rail	SE	Salt-water & brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of <i>Salicornia</i> (pickleweed), but feeds away from cover on invertebrates from mud-bottomed sloughs.
<i>Lichnanthus ursine</i> Bumblebee scarab beetle	FSC	Inhabits coastal sand dunes. Closest location to project site is Ocean Beach.
<i>Melospiza melodia pusillula</i> Alameda song sparrow	SSC	Resident of salt marshes bordering south arm of San Francisco Bay. Inhabits <i>Salicornia</i> marshes; nests low in <i>Grindelia</i> bushes (high enough to escape high tides) and in <i>Salicornia</i> .
<i>Melospiza melodia samuelis</i> San Pablo song sparrow	SSC	Resident of salt marshes along the north side of San Francisco and San Pablo Bays. Inhabits tidal sloughs in the <i>Salicornia</i> marshes; nests in <i>Grindelia</i> bordering slough channels.
<i>Plebejus icarioides missionensis</i> Mission blue butterfly	FE	Inhabits grasslands of the San Francisco Peninsula. <i>Lupinus albilfrons</i> , <i>Lupinus varicolor</i> , and <i>Lupinus formosus</i> are larval host plants. Closest location to project site is Twin Peaks.
<i>Rana aurora draytonii</i> California red-legged frog	FT, SSC	Lowlands & foothills in or near permanent sources of water with dense, shrubby or emergent riparian vegetation. Closest locations to project site include Stow Lake and Lloyd Lake in Golden Gate Park and Lands End in Lincoln Park.
<i>Riparia riparia</i> Bank swallow	FSC, ST	Colonial nesting primarily in riparian and other lowland habitats. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, and oceans to dig nesting holes.
<i>Speyeria callippe callippe</i> Callippe silverspot butterfly	FE	Restricted to the northern coastal scrub of the San Francisco peninsula. Host plant is <i>Viola pedunculata</i> . Most adults found on east-facing slopes of hilltops.
<i>Thamnophis sirtalis tetrataenia</i> San Francisco garter snake	FE, SE	Vicinity of freshwater marshes, ponds and slow moving streams in San Mateo county & extreme northern Santa Cruz county. Prefers dense cover & water depths of at least one foot. Upland areas near water are also very important.

***Key to status codes:**

FE	Federal Endangered
FT	Federal Threatened
FSC	Federal Species of Concern
SE	State Endangered
ST	State Threatened
SSC	State Species of Special Concern

Source: CNDDB (San Francisco North and San Francisco South USGS 7.5-min. Topographic Quadrangles - 2009)



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH

OCCUPATIONAL & ENVIRONMENTAL HEALTH

Gavin Newsom, Mayor
Mitchell H. Katz, M.D.
Director of Health

Rajiv Bhatia, M.D.
Medical Director M.P.H

March 21, 2008

Henry Wong
P.O. Box 391656
Mountain View, California 94039

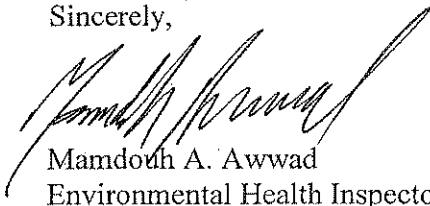
Re: Feasibility Study and Corrective Action Plan
Former Christopher Dairy
555 Fulton Street, San Francisco
SF LOP Site Code: 11206

Dear Mr. Wong:

The San Francisco Department of Public Health, Local Oversight Program (DPH-LOP) has reviewed the Interim *Feasibility Study and Corrective Action Plan*, submitted by Conestoga – Rover & Associates (CRA) on your behalf for the above site. DPH-LOP, hereby approves of the proposed scope of work to conduct soil excavation in the affected area as indicated in the work plan. A site Management Plan must be followed during the development of the site to protect the Public Health and the Environment.

Please contact me at least 72 hours in advance to schedule the required inspection for the field activities. Appropriate permits shall be obtained from the Environmental Health Management, Monitoring Well and Water Quality Section (call 415-252-3849) and other applicable agencies. If you have any questions or comments, please call me at (415) 252-3927.

Sincerely,



Mamdouth A. Awwad
Environmental Health Inspector

cc: Ron Scheele, CRA
Nader Shatara, EHM

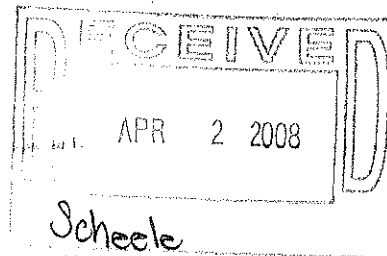


EXHIBIT B

Kevin Guy
San Francisco Planning Department
Northeast Quadrant
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: (415) 558-6163
Kevin.Guy@sfgov.org

CC: Michael Jacinto, MEA; Linda Avery, Planning Commission Secretary,

March 10, 2010

Re: Case 2005: 1085E, Preliminary Mitigated Negative Declaration for 555 Fulton Street Retail-Residential Project

Dear Kevin,

The Hayes Valley Neighborhood Association (HVNA), based on our support for the Market and Octavia Plan, objects to the preliminary mitigated negative declaration (PMND) for the proposed retail-residential project at 555 Fulton Street (Case 2005: 1085E, the former Christopher Dairy site). While we are not appealing the PMND, we are asking that the PMND be revised.

The Market and Octavia Plan stresses that walking and transit will be the primary mode of transport in the neighborhood commercial transit-oriented districts (NCT), and that car free housing will be common and encouraged in NCT districts. In residential transit oriented (RTO) districts the plan recognizes that housing will be a short walking distance to NCTs and will not be car-dependent. Moreover, off-street parking is not allowed for local retail uses in RTO districts. This project lies within both NCT and RTO districts and yet the project sponsor is asking for excessive parking (for both residential and retail) and the project is analyzed for that parking. The project is not analyzed for the permitted parking in the Market and Octavia Plan.

The project analyzed in this PMND is not compatible with the Market and Octavia Plan because it directly conflicts with the goals of the plan. We offer the following rationale for why the planning department should deny this PMND until it analyzes parking strategies compatible with the Market and Octavia Plan:

Residential Parking:

- The city already has over 9,000 motor vehicles per square mile, arguably the highest density of cars and trucks in the US, and maybe the world (SFT MTA 2009 Fact Sheet). Additional developments with excess parking only make congestion and pollution worse,

and do not contribute to the livability of the neighborhood. The Market and Octavia Plan stresses that reduced parking supply results in reduced vehicle use, enabling new development without the negative impact of more cars.

- Under the Market and Octavia Better Neighborhoods Plan the off-street residential parking for 555 Fulton is zoned 0.5:1 (per dwelling unit).
- The residential parking ratio of 0.5:1 was arrived at through a lengthy, careful and thoughtful community process. Parking ratios were vetted extensively in the plan area, and the community process resulted in a compromise of a maximum off-street residential parking ratio of 0.5:1. While the planning process does allow for a conditional use increase of 0.75:1, it was the community's understanding that conditional uses would only be granted if there were compelling reasons to allow an increase in the parking maximums.
- The project proposes 136 dwelling units, which would amount to **68** residential parking spaces. But the project sponsor requests 0.75:1 parking, or **102 spaces**.
- The project sponsor offers no compelling reason for excess residential parking, and yet the excess parking is analyzed in the PMND. The PMND offers no compelling reason either.
- The Market and Octavia Plan calls for maintaining the existing diversity and character of the neighborhood. The demographics of the immediate area are characterized by low rates of automobile ownership (40%-70% car-free households in the immediate area). The community accepted a 0.5:1 parking maximum as a compromise to reflect the low rates of car ownership and parking in the area. The excess parking lacks consistency with existing neighborhood character including the demographic of low rates of car ownership.
- Excess parking requirements, as outlined on page 50 of the PMND and in section 151.1 of the planning code, state that the Market and Octavia Plan requires stackers and other space efficient means for excess parking. The project sponsor does not follow the plan requirements for excess parking. There is no clear plan or commitment to valet parking although it is mentioned.
- The PMND does not outline how access and egress of additional automobiles will not unduly impact pedestrians, bicyclists, or transit. Existing EIR's for the plan area, including both the EIR for the Market and Octavia Plan and the Eastern Neighborhoods Plan do show that more parking brings more automobile trips, which does have a negative impact on pedestrians, bicycling, and transit users. The immediate area has two important bicycle routes (Fulton and Grove), heavy pedestrian activity, and is on or near the 5-Fulton and 21-Hayes bus lines that will be negatively impacted by more automobile trips generated by the provision of more parking.

Retail Parking

- In RTO districts parking is not allowed for retail uses. Since part of this project lies within an RTO district, parking for the grocery store is inconsistent with the Market and Octavia Plan.
- While an SUD was created for a grocery store, the SUD did not include waiving the Market and Octavia parking standards in RTO districts. The SUD was created to provide space for a grocery store, not space for parking.
- The permitted parking for a grocery store in the Market and Octavia Plan Area is 1:500 square feet, and at 32,800 square feet, the project would be permitted 66 parking spaces. However the project sponsor is asking for a CU for excess parking amounting to 91 spaces. The Market and Octavia Plan does allow a conditional use if the store exceeds 20,000 square feet and if there are compelling reasons to ask for the CU. No compelling reasons have been offered.
- The PMND fails to identify the nature of the grocery store proposed for this site. This is of critical importance regarding automobile trip generation. If the grocery store is a specialty market, it might generate more traffic that is citywide and regional in character. If the grocery store is neighborhood-serving, as the project sponsor verbally suggested in past meetings, then the nature of the traffic will be very local and less automobile-oriented. The PMND should clarify what kind of grocery store is proposed for the site.
- Most significantly, the PMND does not consider a recent study by the San Francisco County Transportation Authority (2007) about neighborhood retail districts and parking demand. That study showed that most patrons to local neighborhood-serving businesses will access the establishment by transit and non-motorized modes rather than by car. Since this is intended to be neighborhood serving grocery store, according to project sponsor verbal commitments, the excess parking is unwarranted.

Based on our support of the Market and Octavia Plan, the Hayes Valley Neighborhood Association welcomes increased housing and neighborhood-serving retail in the Market and Octavia Plan Area. We support housing and a neighborhood-serving grocery store for the 555 Fulton site. Part of the rationale for the Market and Octavia Plan was to enable more growth but without the negative impacts of more cars. This project, and the PMND, is incompatible with the Market and Octavia Plan. Based on this inconsistency, we ask that the planning commission not finalize the PMND until it's revised to show 0.5:1 residential parking ratios and 1:500 retail parking ratios.

Sincerely,

Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association

Jhenders@sbcglobal.net



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Jason Henderson, Chair, Hayes Valley Neighborhood Association
Comments and Responses

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

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Information:
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Traffic, Circulation and Parking

Comment TRAN-1

This project lies within both NCT and RTO [use] districts and yet the project sponsor is asking for excessive parking (for both residential and retail) and the project is analyzed for that parking. The project is not analyzed for the permitted parking in the Market and Octavia Plan. The project is analyzed in this PMND and is not compatible with the Market and Octavia Plan because it directly conflicts with the goals of the plan.

Response TRAN-1

The commenter is correct in noting that the subject property is located in the Hayes-Gough Neighborhood Commercial Transit (NCT) and Residential Transit-Oriented (RTO) zoning districts as indicated throughout the PMND. In addition and as noted in the PMND, the subject property is also in the Fulton Street Grocery Store Special Use District, which was established to "permit a moderate-sized grocery store use to serve the Hayes Valley and Western Addition neighborhoods in a location and at a height that the surrounding NCT District would not permit" (Planning Code Section 249.35A).

The parking supply analysis in the PMND was based on the characteristics of the proposal included in the project sponsor's Environmental Evaluation application. The commenter is correct in noting that the transportation analysis in the PMND calculates unmet parking demand based on parking supply with Conditional Use (CU) authorization. With regard to the commenter's statement, "The project is not analyzed for the permitted parking in the Market and Octavia Plan," Planning Code Section and Table 151.1 provide the maximum amount of parking permitted by zoning district, for primary and conditional uses. "Excessive parking" or parking supply above levels that are principally permitted may be conditionally granted by the Planning Commission if the project sponsor demonstrates that certain criteria in that Code section are met. (See [Response TRAN-4](#) for more information.) The Planning Commission would determine whether the project meets those criteria in its deliberations on whether to grant the CU authorization.

A calculation of principally permitted parking supply versus the proposed project's parking demand is provided in a table on page 2 of this document. This table is also added to the PMND, pg. 50 for informational purposes.

To the extent that the project could be found to "conflict with the goals of the Market and Octavia Plan" such that physical effects may occur, such effects are accounted for in the transportation analysis and are presented on pg. 51 and other relevant CEQA topical areas (e.g., air quality and noise) in the PMND.

Table 4				
<u>Parking Supply and Demand Comparison</u>				
<u>Weekday and Saturday Conditions</u>				
Land Use	Principally Permitted Supply	Conditionally Permitted Supply	Demand	Demand (Shortfalls) vis-à-vis supply*
Weekday				
Residential	68	102	172	(104) / (70)
Grocery store	66	91	133	(67) / (42)
Total	134	193	305	(171) / (112)
Saturday				
Residential	68	102	172	(104) / (70)
Grocery store	66	91	152	(86) / (61)
Total	134	193	324	(190) / (131)

*The first value in this column is the shortfall relates to demand if principally permitted on-site parking is provided. The second value in this column represents the shortfall relative to demand if conditionally permitted parking is provided on site.

As shown in this table, parking shortfalls relative to the Planning Code’s base off-street parking supplies would result in a greater unmet parking demand than with parking that could be granted through Conditional Use authorization.

The following text is added to the PMND, pg. 50 after the first sentence in the fifth paragraph: “Should the Planning Commission decide not to grant the requested Conditional Use authorization for accessory parking, the midday shortfall would be 171 vehicles on weekdays and 190 vehicles on Saturdays.”

A decrease in the amount of parking provided in the onsite garage would shift project-generated parking demand to on-street parking in the vicinity of the project site. As stated in the PMND, pg. 50: “Drivers could park on street in the area, or switch to transit, carpool, bicycle, or other forms of travel. On-street parking is generally available during the midday, but much scarcer during the evening when local traffic would increase as drivers would circle the neighborhood seeking parking. Project residents would be eligible to receive Residential Permit Parking area, or, “R” permits.”

In any case, the amount of parking ultimately provided within the proposed project, at levels that are either principally or conditionally permitted by the Planning Code, would not alter the conclusions reached in the PMND and the proposed project would have a less-than-significant effect on parking.

Comment TRAN-2

The City already has over 9,000 motor vehicles per square mile, arguably the highest density of cars and trucks in the US, maybe the world (SF MTA 2009 Fact Sheet). Additional developments with excess parking only make congestion and pollution worse, and do not contribute to the livability of the neighborhood. The Market and Octavia Plan stresses that reduced parking supply results in reduced vehicle use, enabling new development without the negative impact of more cars.

Response TRAN-2

The comment related to automobile density is noted. With regard to automobile congestion, the project's Transportation Study¹ accounts for the project contributions to baseline and future traffic volumes, changes in intersection levels of service, transit capacity, parking supply and potential conflicts with pedestrians and bicyclists.

The transportation study and PMND pp. 41-56 find that the proposed project would neither "cause an increase in traffic which is substantial in relation to existing traffic load and capacity of the street system" nor "exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways." Moreover, the proposed project would not substantially increase hazards, result in inadequate emergency access or cause a substantial increase in transit demand that cannot be accommodated by existing or proposed transit capacity. As such, the PMND correctly found that the project would not result in a significant, adverse effect on the environment with respect to transportation. The PMND also identifies a number of Improvement Measures aimed at reducing auto trips, encouraging transit use, managing loading activities and construction times to avoid conflicts with peak period traffic. The Planning Commission may adopt these identified Improvement Measures as conditions of project approval.

In terms of pollution, the PMND, pg. 63 indicates, "Traffic related to the project would add vehicle-trips to area roadways that could cause existing non-project traffic to travel at slower, less-pollution efficient travel speeds. The potential to cause localized carbon monoxide (CO) violations near congested intersections was analyzed by an independent consultant.... Project-related traffic could lead to localized 'hot spots' or areas with high concentrations of carbon monoxide around stagnation points such as major intersections and heavily traveled and congested roadways. To evaluate 'hot spot' potential, a microscale impact analysis was conducted adjacent to four signalized intersections most impacted by project traffic. The analysis demonstrated that no exceedences would occur in the vicinity of the analyzed intersections. Therefore the effect of the project on local carbon monoxide standards would be less than significant."

¹ 555 Fulton Street Transportation Study, Case No. 2005.1085E, July 27, 2009. Available for review at the Planning Department, 1650 Mission Street, Suite 400, within Case File No. 2005.1085!

Comment TRAN-3

Under the Market and Octavia Better Neighborhoods Plan, the off-street residential parking for 555 Fulton is zoned 0.5:1 (per dwelling unit).

Response TRAN-3

The commenter is correct in noting the Planning Code's parking requirements for the site. PMND pg. 50 indicates that "Section 151.1 of the Planning Code does not require any parking for any use in the NCT District. Up to 0.5 spaces per residential unit is permitted; up to .75 spaces per residential unit is allowed with conditional use authorization." The following sentence is added after the second sentence in the third paragraph on PMND pg. 50: "The Planning Commission may consider granting Conditional Use authorization for parking in excess of the base amounts permissible for this zoning district subject to the conditions of Planning Code Section 151.1(f)."

Comment TRAN-4

The residential parking ratio of 0.5:1 was arrived at through a lengthy, careful and thoughtful community process. Parking ratios were vetted extensively in the plan area, and the community process resulted in a compromise of a maximum off-street residential parking ratio of 0.5:1. While the planning process does allow for a conditional use increase of 0.75:1, it was the community's understanding that conditional uses would only be granted if there were compelling reasons to allow an increase in the parking maximums. The project proposes 136 dwelling units, which would amount to 68 residential parking spaces. But the project sponsor requests 0.75:1 parking, or 102 spaces. The project sponsor offers no compelling reason for excess residential parking, and yet the excess parking is analyzed in the PMND. The PMND offers no compelling reason either.

Response TRAN-4

The purpose of the environmental review process is to determine whether a project could cause adverse physical changes to the existing environment and not to make project consistency findings with the Planning Code or General Plan. The project's transportation study examined the project's most intensive use scenario to determine transportation effects, based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review, October 2002*. The findings of that study are presented in the Transportation Initial Study checklist and Mitigated Negative Declaration prepared for the project. [Response TRAN-1](#) presents an analysis of "as-of-right" parking conditions that would occur if a Conditional Use permit were not granted and found that under such conditions, no significant adverse transportation impacts would occur.

Moreover, Planning Code Section 151.1(f) directs the Planning Commission to make the following affirmative findings in granting a Conditional Use authorization for parking in excess of amounts allowable "as of right" (e.g., 0.5 spaces per unit) based on the following Planning Code subsections, independent of the project's environmental findings:

- (A) Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic flow in the district;
- (B) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;
- (C) All above-grade parking is architecturally screened and, where appropriate, lined with active uses according to the standards in Section 145.1, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and
- (D) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

(2) Parking for Residential Uses

For projects with 50 units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduce space used for parking and maneuvering, maximize other uses.

(3) Parking for Non-Residential Uses

- (A) Projects that provide more than 10 spaces for non-residential uses must dedicate 5% of these spaces, rounded down to the nearest whole number, to short-term, transient use by vehicles from certified car organizations per Section 166, vanpool, rideshare, taxis or other co-operative auto programs. These spaces shall not be used for long-term storage nor satisfy the requirement of Section 166, but rather to park them during trips to commercial uses. These spaces may be used by shuttle or delivery vehicles used to satisfy subsection (B).
- (B) Retail uses larger than 20,000 square feet, including but not limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet.
- (C) Parking shall be limited to short-term use only.
- (D) Parking shall be available to the general public at times when such parking is not needed to serve the use or uses to which it is accessory.

Note that project sponsor's rationale for how the project meets these requirements is provided as part of Case File No. 2005.1085C in conjunction with the project's Conditional Use application.

It is noted here that the Project Sponsor submitted a revised Conditional Use/Planned Unit Development application subsequent to the publication of the PMND. The project sponsor proposes a total of 205 off-street parking spaces (91 commercial spaces, 104 residential spaces, and 10 car spaces), exceeding the total amount of parking that is

permitted by Section 151.1. As stated in Case Report 2005.1085C, "this amount of off-street parking fails to meet the required Conditional Use Authorization criteria specified in Section 151.1 and contradicts multiple policies of the General Plan. Therefore, this specific modification is not granted. A condition has been added to the motion that would limit the number of commercial parking spaces to 77, and the number of residential parking spaces to 68."

Comment TRAN-5

The Market and Octavia Plan calls for maintaining the existing diversity and character of the neighborhood. The demographics of the immediate area are characterized by low rates of automobile ownership (40%-70% car-free households in the immediate area). The community accepted a 0.5:1 parking maximum as a compromise to reflect the low rates of car ownership and parking in the area. The excess parking lacks consistency with existing neighborhood character including the demographic of low rates of car ownership.

Response TRAN-5

With respect neighborhood character, the PMND pp. 22-23 evaluated whether the project would have a substantial impact on the character of the vicinity. The PMND found that "The project would not introduce incompatible land uses in the area.... The project would be achieved within existing lot and block configuration.... The scale and massing would be larger than many of the buildings in the area including the adjacent two-story building to the east on Fulton Street at Octavia and as well as buildings to the site's south along Birch Street.... The project building's uses would be compatible with the mixed-use character of the surrounding area and would comply with the site's *Planning Code* height and bulk requirements. Based on the foregoing, the proposed project would not adversely alter the vicinity's existing land use character, and its impact would be less than significant."

Comment TRAN-6

Excess parking requirements, as outlined on page 50 of the PMND and in section 151.1 of the planning code, state that the Market and Octavia Plan requires stackers and other space efficient means for excess parking. The project sponsor does not follow the plan requirements for excess parking. There is no clear plan or commitment to valet parking although it is mentioned.

Response TRAN-6

The commenter is correct, and PMND, pg. 50 states: "The project would not provide mechanical stackers or lifts, valet or other space-efficient means of parking for spaces in excess of 0.5 spaces per unit as required under the Market and Octavia Neighborhood Plan." The Planning Commission could make the provision of these elements a condition of approval when considering whether to grant the Conditional Use permit for the requested amount of parking.

Comment TRAN-7

The PMND does not outline how access and egress of additional automobiles will not unduly impact pedestrians, bicyclists, or transit. Existing EIR's for the plan area, including both the EIR for the Market and Octavia Plan and the Eastern Neighborhoods Plan do show that more parking brings more automobile trips, which does have a negative impact on pedestrians, bicycling, and transit users. The immediate area has two important bicycle routes (Fulton and Grove), heavy pedestrian activity, and is on or near the 5-Fulton and 21-Hayes bus lines that will be negatively impacted by more automobile trips generated by the provision of more parking.

Response TRAN-7

The comment is acknowledged. The addition of any trips by any mode to an area could produce potential conflicts because these modes (pedestrian, bus, bicycle, vehicle, etc.) share street space and compete with each other, as is the case in a dense, urban setting. However, the addition of new vehicle trips generated by the project would not create potentially hazardous conditions for pedestrians, bicyclists and transit, the threshold against which impacts are measured.

The proposed project's transportation study makes the following findings related to pedestrian effects, which are summarized on pg. 54 of the PMND: "Pedestrian trips generated by the Proposed Project would include walk trips to and from the residential and grocery store uses, plus walk trips to and from the local and regional transit operators. Overall, the Proposed Project would add up to 392 pedestrian trips to the surrounding streets (including 129 transit and 263 walk/bicycle/other trips) during the weekday PM peak hour.

"Pedestrian access to the residential units would be midblock on Fulton Street. The primary pedestrian access to the commercial use would be via Laguna Street, with secondary access from the project's parking garage.

"The Proposed Project would increase pedestrian activity in the vicinity of the project site. These new pedestrian trips could be accommodated on the existing sidewalks and crosswalks adjacent to the project site and not substantially affect the current pedestrian conditions along Fulton Street (with ten foot wide sidewalks), or along Octavia and Laguna Streets (with 15 foot wide sidewalks). As PM peak period pedestrian activity in the vicinity of the project site is currently low, pedestrian conditions would continue to remain acceptable."

While pedestrian volumes around the site would be low, the Planning Commission could adopt the following Improvement Measure as a condition of project approval in order to reduce potential pedestrian-vehicular conflicts at the Futon and Laguna Street driveway entrances:

(The following text hereby amends the PMND and is added as the sixth bullet point under Improvement Measure I-TR-1—Parking, on pg. 52):

In order to reduce the potential for pedestrian-vehicle conflicts, the project sponsor could install directional mirrors at garage entries so that drivers would have a view of Fulton and Laguna Streets. Garage entries could also be outfitted with signage alerting drivers to

the presence of pedestrians, as well as a vehicle approach warning signal (buzzer or beeper) to alert pedestrians of cars exiting the garage.

Regarding bicycles, pg. 54 of the PMND notes: "The project site is within convenient bicycling distance of office and retail buildings in the Civic Center and downtown San Francisco. As a result a portion of the 263 project-generated "walk/bicycle/other" trips would be expected to be bicycle trips. This increase in bicycle trips would not be substantial enough to affect bicycle travel in the area. The proposed project's driveways on Fulton and Octavia Streets and loading areas would create the potential for conflicts between vehicles and bicyclists. However, the low existing vehicle and bicycle volumes on Fulton and Octavia Streets adjacent to the project site would be able to accommodate the increase trips without significant impacts arising." The PMND also notes that the 2006 Bicycle Plan does not include bicycle facility improvements for streets near the project site. The proposed project would not conflict, in a hazardous matter operation of the westbound bike route #20 on Fulton Street or eastbound bike route #20 on Grove Street.

The PMND, pg. 49, found that the transit demand associated with the proposed project "distributed in both the inbound and outbound direction of travel over the five lines serving the project site, would not have a significant or noticeable impact on transit services in the project area or affect transit operations." Moreover, given that the two closest Muni lines, the 5-Fulton and the 21-Hayes operate on street segments a block to the north and south, respectively, vehicle/transit conflicts associated with ingress/egress to parking facilities would not occur.

Comment TRAN-8

In RTO districts parking is not allowed for retail uses. Since part of this project lies within an RTO district, parking for the grocery store is inconsistent with the Market and Octavia Plan.

Response TRAN-8

The transportation study determines off-street parking based on the uses associated with the project, as allowed by the zoning (use) districts that apply to the project site: NCT, RTO and the Fulton Street Grocery Store Special Use District. Planning Code Section 249.35(A)(1) and (3) state: "The controls of the Hayes-Gough NCT apply in their entirety, except as specified in this Section....Accessory off-street parking shall not be permitted for any commercial use except the grocery store."

Comment TRAN-9

While an SUD was created for a grocery store, the SUD did not include waiving the Market and Octavia parking standards in RTO districts. The SUD was created to provide space for a grocery store, not space for parking. The permitted parking for a grocery store in the Market and Octavia Plan Area is 1:500 square feet, and at 32,800 square feet, the project would be permitted 66 parking spaces. However the project sponsor is asking for a CU for excess parking amounting to 91 spaces. The Market and Octavia Plan does allow a conditional use if the store exceeds 20,000

square feet and if there are compelling reasons to ask for the CU. No compelling reasons have been offered.

Response TRAN-9

The comment is acknowledged. See Response TRAN-4, above. In summary, the project sponsor is required to provide justification to the Planning Commission of how the project meets the criteria set forth for accessory parking as stated in Planning Code 151.1(f).

Comment TRAN-10

The PMND fails to identify the nature of the grocery store proposed for this site. This is of critical importance regarding automobile trip generation. If the grocery store is a specialty market, it might generate more traffic that is citywide and regional in character. If the grocery store is neighborhood-serving, as the project sponsor verbally suggested in past meetings, then the nature of the traffic will be very local and less automobile-oriented. The PMND should clarify what kind of grocery store is proposed for the site.

Response TRAN-10

The project's transportation study calculates trip generation rates based on the proposed use and size of the retail establishment, in this case 32,800 square feet. Trips are generated in accordance with the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002. The standard trip generation rate of 297 trips per 1,000 gsf of grocery store use, and a PM Peak hour percentage of 7.3% was applied to determine the project's PM Peak Hour trips. This is the standard rate applied for similarly sized groceries, such as the approved Whole Foods Market project at 690 Stanyan Street (23,060 sq. feet, Case No. 2006.0460E) and the proposed Whole Foods Market project at 2001 Market Street (29,715 sq. feet, Case No. 2008.0550E). Inasmuch as the proposed future grocery store could be characterized as a "specialty store" its trip generation characteristics were calculated based on a standard commercial grocery store rate for San Francisco.

Comment TRAN-11

Most significantly, the PMND does not consider a recent study by the San Francisco County Transportation Authority (2007) about neighborhood retail districts and parking demand. That study showed that most patrons to local neighborhood-serving businesses will access the establishment by transit and non-motorized modes rather than by car. Since this is intended to be neighborhood serving grocery store, according to project sponsor verbal commitments, the excess parking is unwarranted.

Response TRAN-11

The comment is acknowledged. Trip generation, distribution and assignment are undertaken based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002.

Comment TRAN-12

Based on our support of the Market and Octavia Plan, the Hayes Valley Neighborhood Association welcomes increased housing and neighborhood-serving retail in the Market and Octavia Plan Area. We support housing and a neighborhood-serving grocery store for the 555 Fulton site. Part of the rationale for the Market and Octavia Plan was to enable more growth but without the negative impacts of more cars. This project, and the PMND, is incompatible with the Market and Octavia Plan. Based on this inconsistency, we ask that the planning commission not finalize the PMND until it's revised to show 0.5:1 residential parking ratios and 1:500 retail parking ratios.

Response TRAN-12

The Planning Department prepared an Initial Study for the proposed project and determined that it would not have a significant effect on the environment and therefore issued a Mitigated Negative Declaration. With regard to the project's parking characteristics, the project was analyzed based on the maximum parking conceivably permissible by the Planning Code with Conditional Use authorization. The maximums were used to illustrate the project's parking supply in context of its demand and what the resultant parking shortfalls are. An updated table, showing parking supply based on principally permitted amounts in the context of peak demand is provided in response to Comment TRAN-1.

As-of-right parking supply for either residential or grocery land uses versus principally permitted parking supply could result in further reductions to on-street parking capacities, should the Planning Commission not grant a Conditional Use authorization for the accessory parking. These data and additional information has been included in the Final Mitigated Negative Declaration, which has been submitted to the Planning Commission for adoption.

As indicated on PMND pp. 51-52 and repeated here in entirety: "San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such

as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects."

In conclusion, the findings presented in the Preliminary Mitigated Negative Declaration, namely that the proposed project would not result in a significant adverse effect on the environment related to transportation stand, independent of whether the Planning Commission grants or denies a Conditional Use permit for amount of accessory parking sought by the project sponsor.

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555 Fulton Street, Suite 201
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94102

555 FULTON ASSOCIATES, LLC

Michael Jacinto
San Francisco Planning Department
1650 Mission Street, Suite 400
SF CA 94103

March 18, 2010

Dear Michael Jacinto

A cursory review of the negative declaration for 555 Fulton Street reveals some mistakes, an omission and something more than an omission.

The mistakes that were found are technical. The building is not stucco coated. The outside walls are concrete that was tilted up. There is no hot dog stand on the site. There is a commissary serving a number of carts that sell hot dogs off site. Something like a dozen people are employed in this operation. These two mistakes may or may not rise to the level of being significant but they should be corrected.

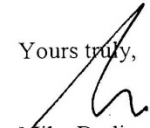
Vehicular staging on Octavia Street does not appear to be addressed.

Provisions for vehicular staging are important safety and have traffic flow impacts on neighbors. A typical vehicular staging problem is the Whole Foods at California and Franklin. Try driving in, out or past the semi blind parking entrance there. Trader Joe's on Masonic is an other example, albeit that entrance is not blind. The Market Street and Marina Safeways provide on site traffic staging. Imagine what Broderick between Oak and Fell would be like if Falleti did not have a vehicular staging area. It is bad enough as it is. Vehicular staging is important.

The negative declaration does not appear to address Octavia street vehicular staging where it seems like cars and trucks enter and exit onto Octavia using what looks to be a blind incline.

The negative declaration assertion that there is no residential use of the site is incorrect. There has been consistent and notorious residential use on the site for decades. There are currently five or six units, depending on how a wonderful but eccentric individual is counted. The building owners graciously helped with the Planning Department Permit Application for these residential units. The owners were intimately involved in the repair of a roof leak in one of the live work units as recently as a few months ago. The Live Work units are a matter of public record in the Planning Department permit for the expired non-conforming use. They were the subject of correspondence with the Planning Department February 13, 2007, albeit we got the numbers wrong. The impact of eliminating the current residential use of the property should not be waived in the negative declaration on the false pretext that it does not exist.

Yours truly,


Mike Berline
Manager

PD-1

TRAN-1

LU-1

031210A,555

1. PROJECT DESCRIPTION

Comment PD-1

A cursory review of the negative declaration for 555 Fulton Street reveals some mistakes, an omission and something more than an omission.

The mistakes that were found are technical. The building is not stucco coated. The outside walls are concrete that was tilted up. There is no hot dog stand on the site. There is a commissary serving a number of carts that sell hot dogs off site. Something like a dozen people are employed in this operation. These two mistakes mayor may not rise to the level of being significant but they should be corrected. *(Mike Berline, written comments)*

Response PD-1

The comments regarding errors in information on existing conditions on the project site are acknowledged and corrected below. These minor discrepancies do not affect the conclusions reached in the PMND and do not result in any new environmental effects not already disclosed in the PMND.

Page 1 of the PMND, second paragraph, third sentence, is hereby revised to read as follows (deleted text shown in ~~strike through text~~; inserted text shown as double-underlined text):

Constructed in 1957, approximately 29 firms use the existing building for office space in addition to a plumbing company, a cabinet company, and a commissary serving off-site hot dog carts stand.

Page 32 of the PMND, second paragraph, second sentence, is hereby revised to read as follows (deleted text shown in ~~strike through text~~; inserted text shown as double-underlined text):

The square-plan building, clad in ~~smooth stucco~~ concrete, is capped by a flat roof.

2. LAND USE

Comment LU-1

The negative declaration assertion that there is no residential use of the site is incorrect. There has been consistent and notorious residential use on the site for decades. There are currently five or six units, depending on how a wonderful but eccentric individual is counted. The building owners graciously

helped with the Planning Department Permit Application for these residential units. The owners were intimately involved in the repair of a roof leak in one of the live work units as recently as a few months ago. The Live Work units are a matter of public record in the Planning Department permit for the expired non-conforming use. They were the subject of correspondence with the Planning Department February 13, 2007, albeit we got the numbers wrong. The impact of eliminating the current residential use of the property should not be waived in the negative declaration on the false pretext that it does not exist. (Mike Berline, written comments)

Response LU-1

Planning Department staff reviewed San Francisco's Department of Building Inspection (DBI) records to identify residential units on and in the vicinity of the project site, and no residential units were identified on the site. DBI considers live/work units to constitute commercial space, not residential, and therefore the live/work units are not officially identified as residences that would be displaced by the project, though approximately seven people reside on the site. These people would be displaced by the project ~~and would have the option to live in the proposed residential project.~~

The proposed project would develop 136 new residential units on the site, thereby contributing to the City's housing stock and assisting the City in meeting its Regional Housing Needs Allocation established by State law. The project would provide 12 percent of these units (16 units) as affordable units, consistent with the City's Inclusionary Affordable Housing Program.

Page 29 of the PMND, the bottom paragraph, the third and last sentences, are revised as follows:

~~There are no residents on the site~~ Based on a review of records at the time the PMND was published, it appeared that no residents were living on the project site. However, a site visit subsequent to publication of the PMND determined that approximately seven people reside in commercial live-work units. Using the average household occupancy rate of 1.68 persons for Census Tract 162 in which the subject property is located, the proposed development of 136 dwelling units would result in an estimated on-site population of approximately 228 residents. The 32,800 square-foot grocery store would employ approximately 94 people using standard Planning Department calculations, resulting in a net increase of about 64 employees and a total net increase of 285 persons on-site over existing conditions.

Page 30, footnote 9 is revised as follows:

Census 2000 population in Census Tract 162 was 2,502 and the proposed project would increase population by about residents. $\frac{228 \text{ residents}}{2,502 \text{ residents}} = 0.092 = \underline{9.2} \underline{88} = \underline{8.8}$ percent = approximately a nine percent increase.

Footnote 10 is revised as follows:

The calculation is based on the estimated Census 2000 population of 776,733 persons in the City and County of San Francisco (and population generated by household size factor). (228 residents/776,733 residents = 0.00029 = 0.029 percent)

Page 84 of the PMND, the bottom paragraph, second sentence is revised as follows:

The addition of about 228 projected residents from the project would incrementally increase the demand for park and recreation services and facilities in the area, but not in excess of the amounts provided for in the project vicinity.

Page 87, first sentence on top of page is revised as follows:

. The proposed project's additional 136 residential units and 32,800 square feet of commercial space would result in an estimated demand of 16,749 ~~7,314~~ gallons of water per day in total.

Page 87, Footnote 57, first sentence, is revised as follows:

Based on 62 gallons per day and 228 new residents and 95 gallons per day per 1,000 square feet of retail space and 32,800 square feet of retail space, the proposed project would consume approximately ~~17,314~~ 16,794 gallons of water per day.

3. TRANSPORTATION AND CIRCULATION

Comment TRAN-1

Vehicular staging on Octavia Street does not appear to be addressed.

Provisions for vehicular staging are important safety and have traffic flow impacts on neighbors. A typical vehicular staging problem is the Whole Foods at California and Franklin. Try driving in, out or past the semi blind parking entrance there. Trader Joe's on Masonic is an other example, albeit that entrance is not blind. The Market Street and Marina Safeways provide on site traffic staging. Imagine what Broderick between Oak and Fell would be like if Falleti did not have a vehicular staging area. It is bad enough as it is. Vehicular staging is important.

The negative declaration does not appear to address Octavia street vehicular staging where it seems like cars and trucks enter and exit onto Octavia using what looks to be a blind incline. (*Mike Berline, written comments*)

Response TRAN-1

The comment references vehicular staging—which refers to the location and movement of trucks, equipment, and materials during project construction—but appears to be concerned with traffic circulation on and adjacent to the site. Accordingly, this response focuses on the latter issue. However, the PMND notes that construction staging would occur primarily on the project site and on the sidewalks adjacent to the project site. The project sponsor does not anticipate closure of traffic lanes on Fulton, Octavia, Birch, or Laguna Streets during construction, but would

request temporary closure of sidewalks and/or parking lanes abutting the project if they were needed. It is anticipated that sidewalks adjacent to the project site would need to be completely closed on Birch Street, and partially closed on Fulton, Laguna and Octavia Streets for different periods during construction. Additional information on construction staging is provided on pages 55-56 of the PMND.

Following completion of project construction, the primary vehicle entrance for grocery shoppers would be located mid-block on Fulton Street. A wide ramped driveway would provide access to the first level of below-grade parking, which would have 77 retail parking spaces, including one handicap-accessible space.

The commenter is correct that a second vehicular entrance would be located mid-block on Octavia Street. This 22-foot-wide driveway would provide entry to the second level of the below-grade parking, which would provide 14 additional retail parking spaces, 34 valet residential spaces, 70 regular residential spaces, and 10 car-share spaces. A commercial loading dock would be accessed by delivery trucks separately from Fulton Street. While the Octavia Street driveway would necessarily be sloped to access the second basement level, a level landing would be provided at the top of the ramp to enable drivers to view traffic on both sides of Octavia Street and thereby safely enter the street during appropriate breaks in traffic. It should be noted that traffic volumes on this stretch of Octavia Street are much lower than on most other streets in the project vicinity due to its discontinuous nature and the fact that continued northbound travel north of Fulton Street is precluded.

A comprehensive traffic study was prepared for the project by a qualified transportation consultant. The analysis addressed in the traffic study included an evaluation of potentially hazardous conditions affecting traffic, transit, bicycles or pedestrians. No hazards related to the project entrances or traffic circulation on or adjacent to the project site were identified.

On page 11 of the PMND, first paragraph, fourth sentence. The following sentence is deleted.

~~Shoppers would enter the 16 space ground floor commercial parking from midblock on Fulton Street.~~

EXHIBIT C



SAN FRANCISCO PLANNING DEPARTMENT

Mitigated Negative Declaration

PMND Date: March 3, 2010; amended May 3, 2010
(Amendments to the PMND are shown as deletions in ~~striketrough~~; additions in double underline.)

Case No.: 2005.1085E

Project Title: 555 Fulton Street Retail-Residential Project

BPA Nos.: N/A

Zoning: Hayes-Gough NCT (Neighborhood Commercial Transit) District / RTO (Residential, Transit-Oriented) District / Fulton Street Grocery Store Special Use District
40-X/50-X Height and Bulk District

Block/Lot: 0794/015, 028

Lot Size: 44,250 square feet

Project Sponsor: Trust for the Children of Henry Wong
David Silverman, Reuben and Junius, LLP – (415) 576-9000

Lead Agency: San Francisco Planning Department

Staff Contact: Michael Jacinto – (415) 575-9033
michael.jacinto@sfgov.org

PROJECT DESCRIPTION:

The project site is located on the south side of Fulton Street in the block bound by Octavia, Laguna, and Birch Streets in San Francisco's Hayes Valley neighborhood. The proposed project would result in demolition of the site's existing two-story, approximately 19,620-square-foot office and industrial building with about 70 surface parking spaces. It would entail construction of a five-story, approximately 55-foot-tall, mixed-use building with a total of about 245,610 gross square feet, comprised of 136 residential units (32 studio, 48 one-bedroom, 56 two-bedroom), 32,800 square feet of ground-floor commercial (supermarket) space, and up to 205 parking spaces (as proposed) in a two-level underground parking garage. Residential access would be from one midblock entrance on Fulton Street and one midblock entrance on Birch Street. Retail access would be from Laguna Street. Ground-floor parking access would be from Fulton Street. First level parking access (commercial and residential) would be from Octavia Street, and second level residential-only parking would be from Birch Street.

The proposed project would require Conditional Use authorization from the Planning Commission for residential and commercial uses on a lot exceeding 10,000 square feet (San Francisco *Planning Code* Section 720.11); commercial space greater than 3,000 square feet (Section 720.21); excess parking for grocery use greater than 20,000 square feet (Section 720.22); excess parking for residential use (Section 720.94), and approval as a Planned Unit Development (Section 304).

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance) and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See pages 36 to 39, 61, 66, 106 to 108, and 111.

Mitigated Negative Declaration
May 3, 2010

CASE NO. 2005.1085E
555 Fulton Street Retail-Residential Project

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



BILL WYCKO
Environmental Review Officer

May 3, 2010
Date of Adoption of Final Mitigated
Negative Declaration

cc: Trust for Children of Henry Wong, Project Sponsor; David Silverman, Project Attorney; Kevin Guy, Neighborhood Planner, Northeast Quadrant; Sue Hestor, Esq.; Distribution List; Supervisor Ross Mirkarimi, District Five; Bulletin Board; Master Decision File.

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INITIAL STUDY

Case Number 2005.1085E – 555 Fulton Street Retail-Residential Project

A. PROJECT DESCRIPTION

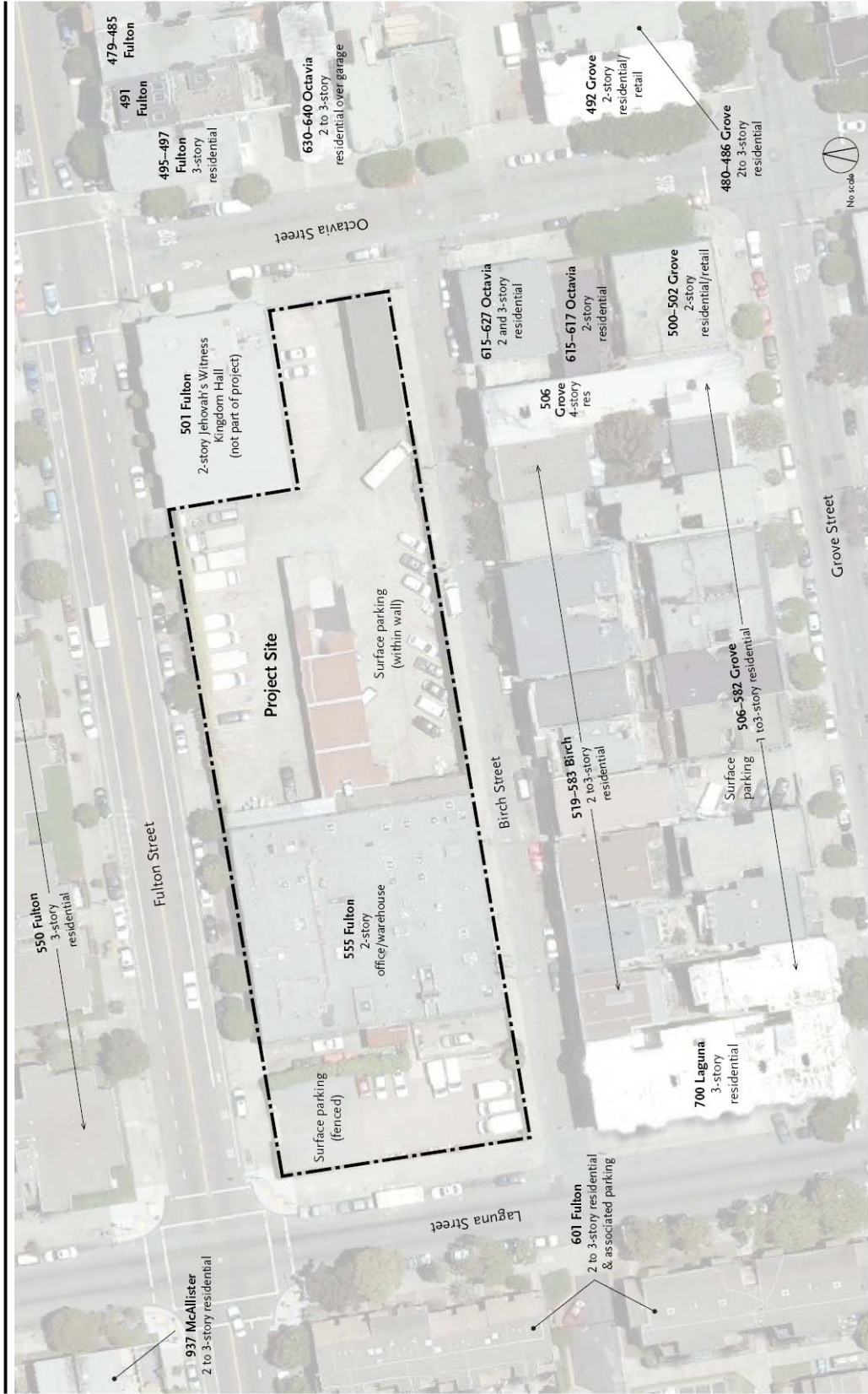
The approximately 44,250-square-foot project site consists of two lots located at 555 Fulton Street (Assessor's Block 0794, Lots 015 and 028) in San Francisco's Hayes Valley neighborhood, between Octavia Street to the east and Laguna Street to the west (see Figures 1 and 2, pages 2 and 3). Birch Street, an east-west midblock street, forms the project site's southern boundary. The subject property is located within three zoning districts: the Hayes-Gough NCT (Transit-Oriented Neighborhood Commercial) district, the RTO (Residential Transit-Oriented) district as well as the Fulton Street Grocery Store Special Use District (SUD). The subject property is within a 40-X/50-X Height and Bulk District, with special provisions permitted by the *Planning Code* for five feet of additional height in NCT Districts.

The proposed project would result in demolition of the subject property's existing two-story 19,620-square-foot industrial (office and warehouse) building and the removal of an approximately 70-space surface parking area (approximately 5,200 square feet). It would entail the merging of the two lots and the construction of a five-story, about 55-foot-tall, mixed-use building. Constructed in 1957, approximately ~~29~~ 30 firms use the existing building for office space ~~in addition to which include, among others,~~ a plumbing company, a cabinet company, and a commissary serving off-site hot dog carts stand. The proposed project would have 136 residential units (32 studios, 48 one-bedroom, 56 two-bedroom), about 32,800 square feet of ground-floor commercial (supermarket) space, and up to ~~195~~ 205 spaces of parking (as proposed) in a two-level underground parking garage, which would also include ~~52~~ 60 bicycle spaces. Total building area would be approximately 245,610 gross square feet, comprising 139,637 gross square feet of residential space, 32,800 square feet of commercial space, 68,700 square feet for parking, and 4,473 square feet for building services (see Figures 3 through 9, pages 4 to 10, and Table 1, page 11).



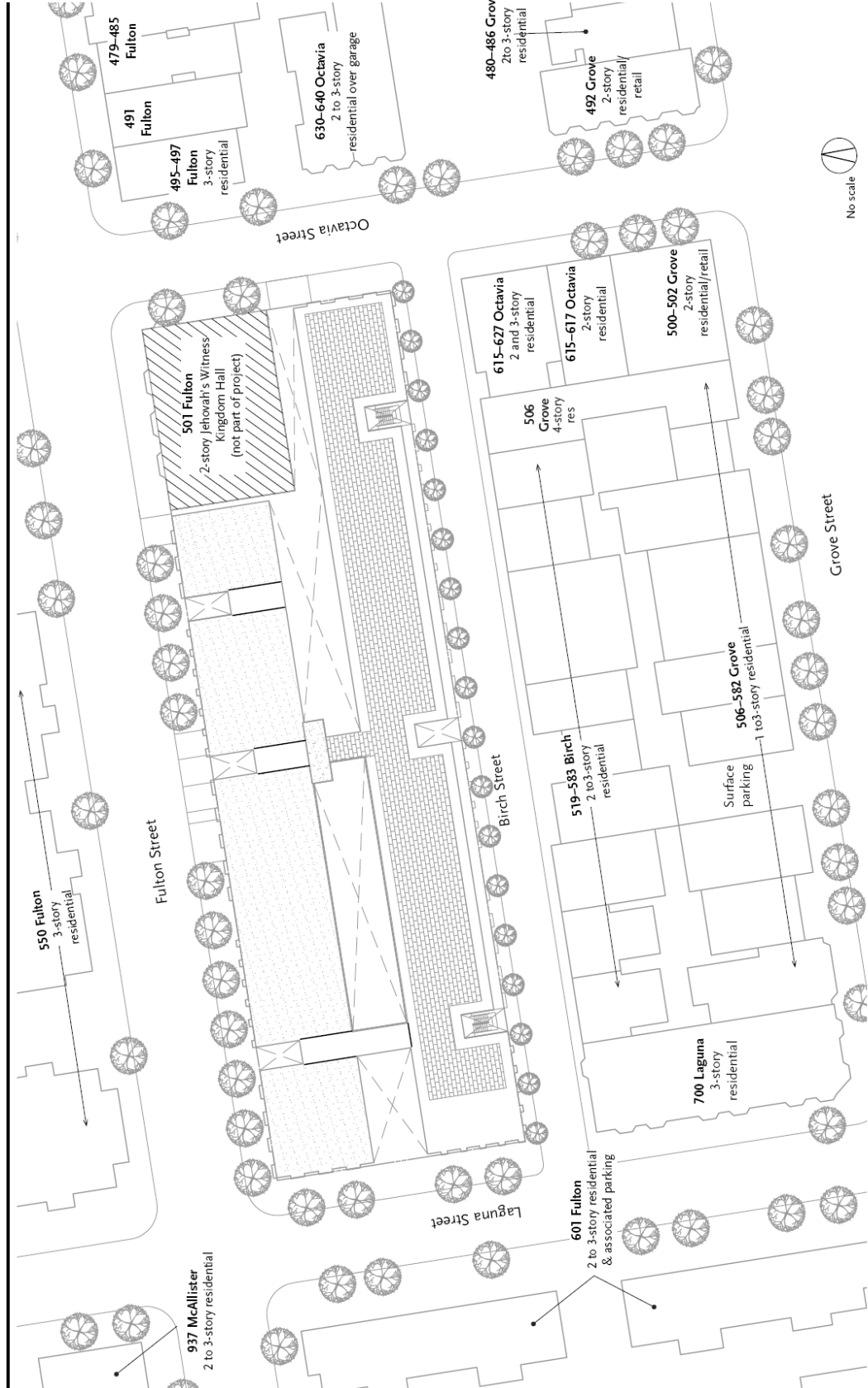
Source: During Associates
7-10-09

Project Location Map Figure 1



Source: During Associates
9/5/09

Existing Site Plan Figure 2



Project Site Plan Figure 3



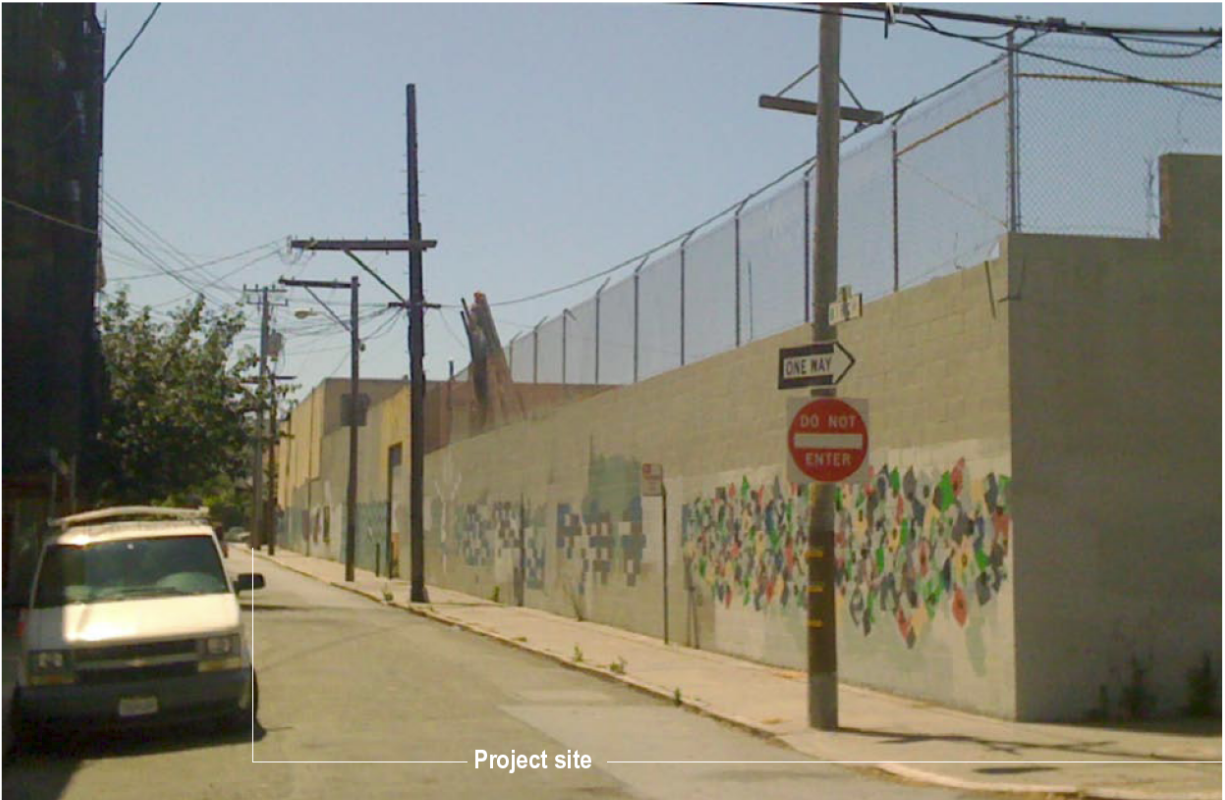
Views of Project Site from the North (on Fulton Street)

Source: During Associates
2-23-10

Project Site— Existing Views Figure 4



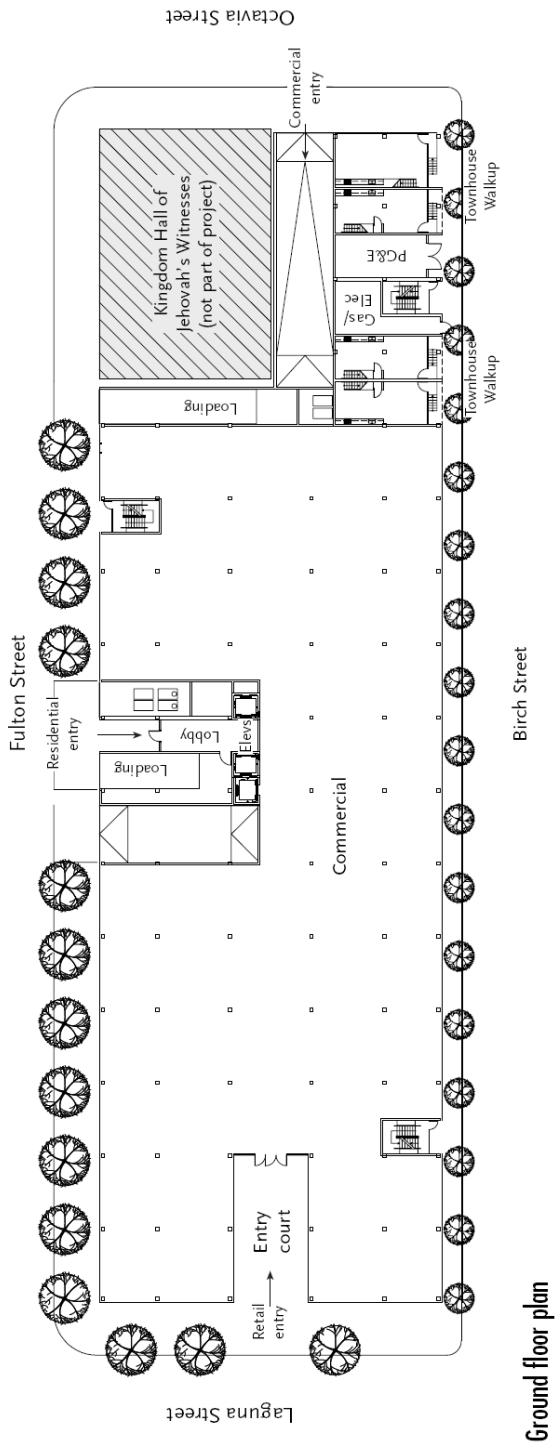
View of Northwest Corner (Laguna and Fulton Streets)



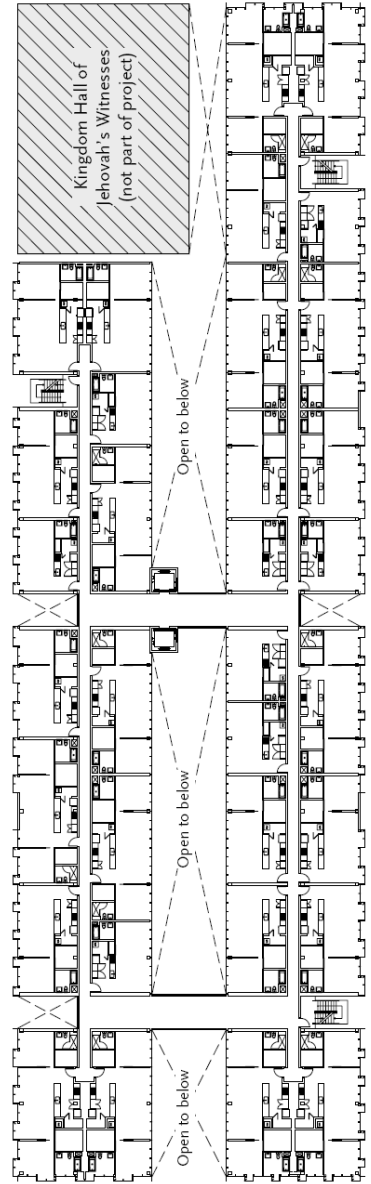
View of Southern Facade (along Birch Street at Octavia Street)

Source: During Associates
2-23-10

Project Site— Existing Views Figure 5



Ground floor plan



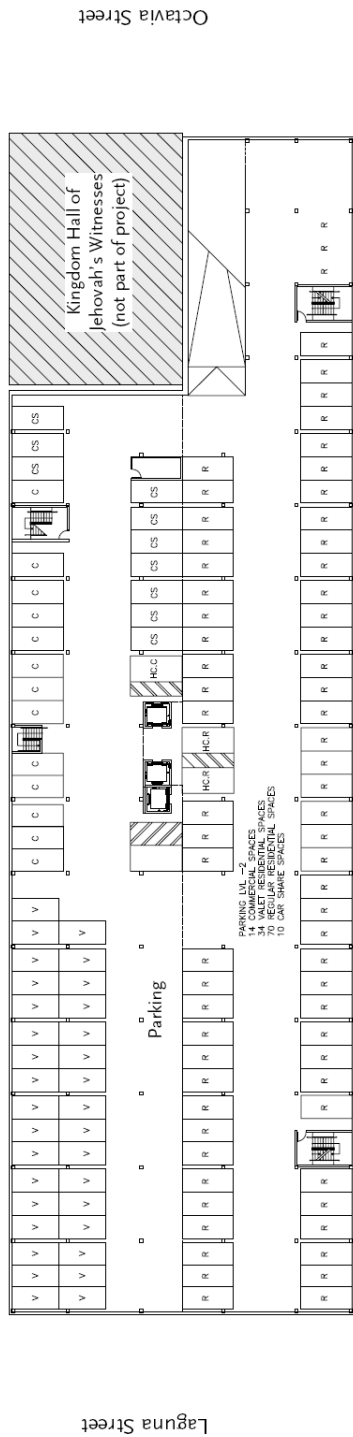
Typical upper plan



Source: Stanley Saitowitz Office/Natoma Architects Inc.
1-28-10

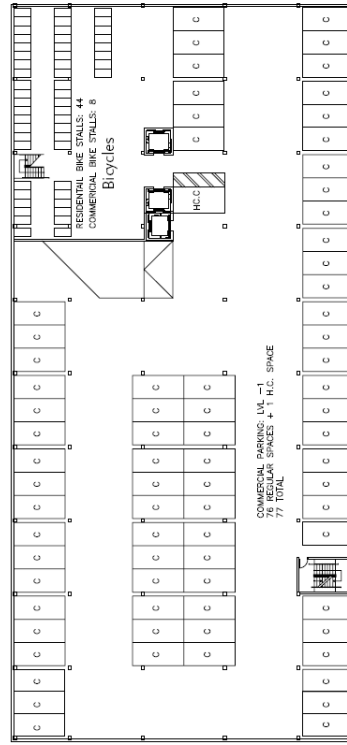
Proposed Floor Plans Figure 6

Fulton Street



Basement Level 2

Birch Street



Basement Level 1



Source: Stanley Saitowitz Office/Natoma Architects Inc.

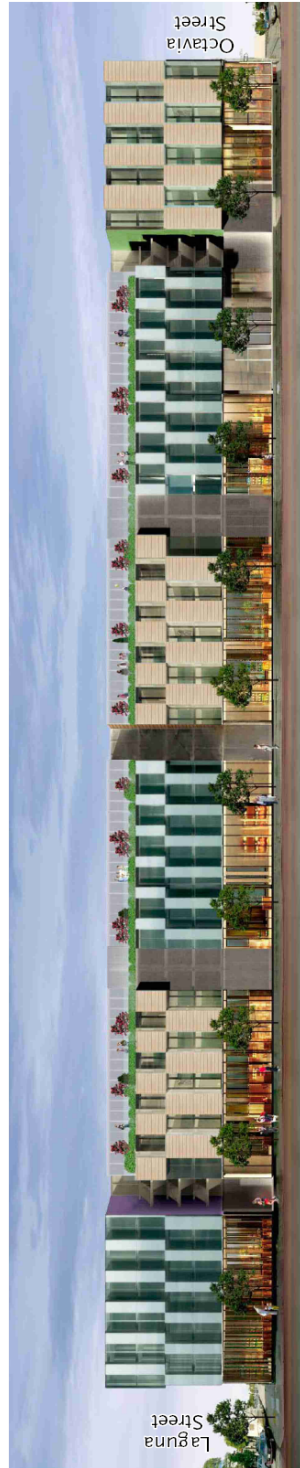
1.28-10

Proposed Parking Plans Figure 7



Fulton Street Elevation

Fulton Street



Birch Street Elevation

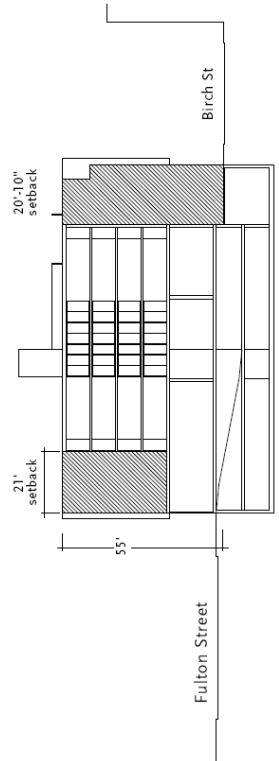
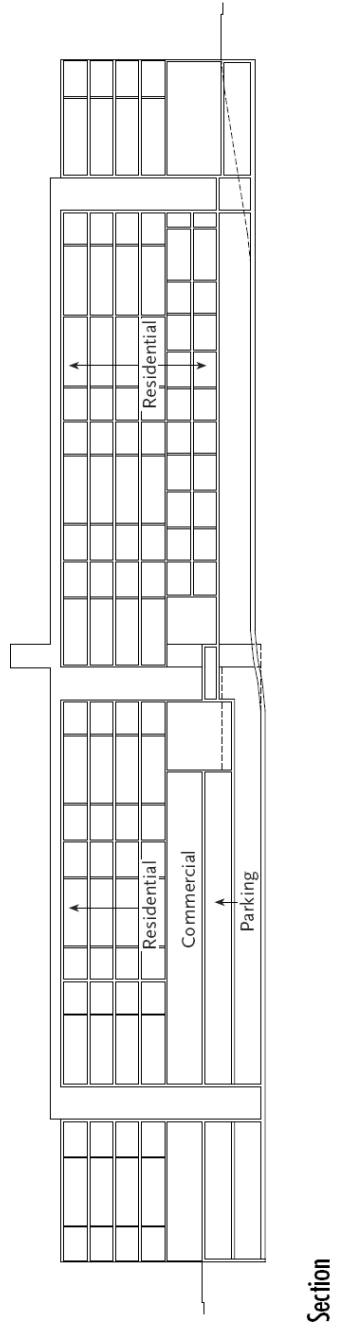
Birch Street

Source: Stanley Saitowitz Office/Natoma Architects Inc.

1.28.10

No scale

Proposed Project Elevations Figure 8



Section at stairwells—building break



Source: Stanley Saitowitz Office/Natoma Architects Inc.
1-28-10

Table 1 Project Characteristics	
Use/Characteristics	Gross Area/Amount
Residential	139,637 sq.ft.
Commercial	32,800 sq.ft.
Parking	68,700 sq.ft.
Services ¹	4,473 sq.ft.
Total gross area	245,610 sq.ft.
Dwelling units	136 units
Total parking spaces	<u>Up to 195</u> 205 spaces
- residential	102 <u>104</u> spaces
- commercial	91 spaces
- car share	2 <u>10</u> spaces
Common open space	17,689 sq.ft.
Height of building	55 feet
Number of stories	5

Notes:

¹ PG&E, fire, loading, trash, stairs.

Source: During Associates, 2008; as revised April 10, 2010

An entry court set back from Laguna Street would serve as the main entrance to the ground-floor commercial space (see Figure 6, Proposed Floor Plans, page 7). Revised plans indicate a proposed curbside vehicle drop-off zone near the Laguna Street entry, subject to MTA/DPW approval. The residential lobby, accessible from Octavia Street, would provide an interior entrance to six ground-floor residential units (townhouses) and contain two elevators to access the upper residential floors. Two additional residential entries would be located midblock on Fulton and Birch Streets. ~~Shoppers would enter the 16-space ground floor commercial parking from midblock on Fulton Street.~~ A PG&E utility room, residential trash area, and one of three stairwells to all building levels would be located in the southeastern corner of the building. Two loading docks for commercial use and for intermittent residential use (e.g., move-ins and move-outs) would be located midblock off Fulton Street, as depicted in Figure 6.

The first residential floor above the ground floor would have a long garden court within its center that would extend most of the east-west building length. Upper-floor residents would also see the plaza-level

garden court through open centers of the upper floors, and walkways would connect the residences on the north side of the building to those on the south side (see Figure 6). The project would contain about ~~17,689~~ 18,840 square feet of common and private open spaces ~~between~~ in combination of private balconies, an entry plaza, the garden court and the rooftop deck.

The proposed building would be contemporary in its architectural style, designed by Stanley Saitowitz/Natoma Architects, Inc. The main building material would be poured-in-place concrete. The proposed building's windows are intended to maximize the use of daylight for interior lighting. The nine existing street trees along the subject property on the Fulton Street sidewalk would remain.

The proposed project would include a mat foundation system, which would entail excavation at the project site to a depth of approximately 20 feet for the two-level below-grade parking garage, and removal of approximately 25,000 cubic yards of soil from the project site.¹ Project construction would take approximately 20 months.

B. PROJECT SETTING

The project site is located on the south side of Fulton Street between Octavia Street to the east and Laguna Street to the west in San Francisco's Hayes Valley neighborhood (see Figure 1, page 2). Birch Street, a 35-foot-wide east-west midblock street, forms the southern boundary of the 1.02-acre, flat project site. The project block, bounded by Fulton, Octavia, Birch, and Laguna Streets, is approximately 450 feet long (east/west) and 150 feet wide (north/south). A number of nearby blocks are similar in size. Many blocks are the same length, but twice the width at 300 feet. There are a few larger blocks in the Western Addition to the north between Webster and Gough Streets, one of which, immediately north of the project site across Fulton Street, is about 900 feet long (east-west) and 300 feet wide (see Figure 2, Existing Site Plan, page 3).

The project site occupies the entire rectangular project block, excluding the two-story wooden building on the northeast corner lot fronting Fulton and Octavia Streets that is a Jehovah Witness Kingdom Hall (Assessor Block 0794/001). Bordering the project site across Fulton Street to the north is the three-story Freedom Homes residential complex. Part of the project site fronts Octavia Street, including the entrance to the vehicle yard. There are two- to three-story-over-basement flats and apartment buildings across Octavia Street to the east. Across Birch Street to the south are two- to four-story residential buildings.

¹ Calculation of excavated material based on ten-foot heights per level and floor areas of approximately 41,940 square feet for Level 1 and about 25,400 square feet for Level 2.

There is a four story, two-unit building on the corner at 625-627 Octavia Street/511 Birch Street, five two-story buildings (519-525, 527-529, 547-549, 569-573, and 577-583 Birch Street), and five three-story buildings (535-539, 541-545, 555-557, 585, and one without an address) along Birch Street. At the corner of Birch and Laguna Streets is a 4-story apartment building with 30 dwelling units (700 Laguna Street). A surface parking lot occupies the project site fronting Laguna Street between Birch and Fulton Streets. Across Laguna Street to the west is a residential complex of two- and three-story town homes that covers the entire block. The blocks bordering the project site to the north and west were until recently under the jurisdiction of the San Francisco Redevelopment Agency, as part of the Western Addition Project Area A-2, which expired January 1, 2009.

Land uses in the surrounding area are primarily residential, consisting mostly of two- to four-story town homes, older flats, and apartment buildings. Three blocks to the east begins the historic Civic Center District, with its cluster of government buildings, museums, libraries, performance halls, and public open space. Neighborhood shopping is two blocks to the south along Hayes Street, one block to the east along Gough Street, and small grocery, laundry, hotel, and restaurant establishments are located throughout the neighborhood. The commercial area of the Western Addition neighborhood along Fillmore Street from Geary Boulevard to McAllister Street is about five blocks northwest of the project site. Open space in the project vicinity includes Alamo Square park five blocks west of the project site, and the Hayes Valley playground, Ella Hill Hutch Recreation Center, Buchanan Street Mall, Hayward Playground, Patricia’s Green and Jefferson Square surrounding the project site within about a two- to three-block radius.

C. COMPATIBILITY WITH ZONING, PLANS, AND POLICIES

	Applicable	Not Applicable
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 (Planning Code)*, which incorporates the City’s Zoning Maps, implements the *General Plan* and governs permitted uses, densities, and configuration of buildings 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 included as part of the project.

The subject property is located in the Market Octavia Neighborhood Plan Area and within two primary use districts, the Hayes-Gough NCT (Neighborhood Commercial Transit) and RTO (Residential Transit-Oriented) Districts and also within the Fulton Street Grocery Store Special Use District (SUD). The intent of these districts and the project's consistency with their specific land use controls is discussed below.

The Hayes-Gough Neighborhood Commercial Transit (NCT) District (*Planning Code* Section 720.1) encourages "moderately scaled, transit-oriented, mixed-use development with housing at the upper levels and retail use actively encouraged on the ground floor to enliven commercial streets. It also allows office use. Complementing a mix of retail and services with a dense residential population in these districts, walking and transit will be the primary means of transportation and car-free housing will be common and encouraged. In NCT Districts, parking requirements and housing density controls encourage housing above ground-floor retail uses."

The RTO District intends to "recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO Districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally within less than ¼ mile, of transit and neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides multiple lines serving different parts of the city or region. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on corner parcels only to provide goods and services to residents within walking distance, but the districts are otherwise residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking is not permitted for these very locally oriented uses." (Section 206.4)

"A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. The overall residential density is regulated by the permitted

and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity of retail and services within walking distance, many households do not own cars; it is common that not every dwelling unit has a parking space and overall off-street residential parking is limited. Open space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.”

The Fulton Street Grocery Store SUD was established to permit a moderate-sized grocery store use to serve the Hayes Valley and Western Addition neighborhoods in a location and at a height that the surrounding NCT District would not permit (Section 249.35A).

Planning Code Provisions

Planned Unit Development. The project sponsor is seeking Conditional Use authorization for a Planned Unit Development (PUD). A PUD is “intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the city as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain provisions contained elsewhere in this Code” (*Planning Code* Section 304(a)). Properties may be considered for review under a PUD if they are “...not less than a ½ acre, exclusive of streets, alleys and other public property that will remain undeveloped.” (Section 304(b)).

Approval of a PUD is subject to criteria that include conformance with the objectives and policies of the *General Plan*, provision of adequate off-street parking, provision of adequate usable open space as required by the *Planning Code*, no exceptions to height limits except for minor deviations from the provisions for measurement of height, and a residential density less than the density allowed in a district permitting greater density.

Uses. The proposed project is located in the Hayes-Gough NCT, RTO, and Fulton Street Grocery Store Special Use Districts wherein moderately-scaled, transit-oriented, mixed-use development with housing at the upper levels and retail use is permitted.

Height and Bulk. The subject property is located within a 40-X/50-X Height and Bulk District. The proposed project would be 55 feet in height. The NCT District also allows for an additional five feet of

height for ground-floor commercial space meeting all of the criteria of Section 263.20. The proposed project would comply with the height limit.

Unit Mix. Section 207.6 requires that a minimum of 40 percent of the dwelling units in a project have two or more bedrooms. The proposed project would include 56 two-bedroom units (41 percent), thereby complying with this requirement.

Density. Section 249.35A requires that residential uses achieve a density of not less than 1 unit per 600 square feet of lot area. For NCT Districts, the *Planning Code* sets no maximum densities associated with lot area; instead, density is restricted by physical envelope controls related to height, bulk and open space requirements as governed by the Code (Section 720.91). The project would have a density of about one unit per 325 sq. ft. of lot area, which would meet the minimum density provisions established for this Special Use District.

Open Space. Section 135 requires that the project provide a minimum of ~~400~~ 60 square feet of private open space per dwelling unit, a minimum of ~~133~~ 79.8 square feet of common open space per unit, or some combination thereof. ~~The project would provide three private decks and a total of 17,689 gsf of common open space for the remaining 133 units. The open space would be provided primarily through two public ground floor plazas totaling 6,237 square feet, and an additional 11,452 square foot roof deck. The project includes a common rooftop deck measuring approximately 7,200 square feet, private decks for units on the second floor with a total area of approximately 7,400 square feet, and seven private decks for units on the fifth floor with a total area of about 2,900 square feet. In addition, the project includes an entry plaza adjacent to the grocery store entrance measuring approximately 1,340 square feet. In sum, the proposed project would provide about 18,840 square feet of common and private open space.~~ As such, the proposed project would meet the *Planning Code's* open space requirements.

Rear Yards. *Planning Code* Section 134 requires that a project's minimum rear yard depth be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. The project would not meet the required 25 percent rear yard setback. Thus, the applicant seeks a modification of the rear yard requirements as part of the PUD (Section 304).

Street Trees. Section 143(b) of the *Planning Code* requires a minimum of one 24-inch box tree for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on

the lot or within the public right-of-way along such lot. This project requires 21 trees along Fulton Street and six trees along Laguna Street. All required street trees will be provided.

The City's Urban Forestry Ordinance, Public Works Code Sections 8.02–8.11, provides disclosure and protection of protected trees, including street trees, and requires a permit from the Department of Public Works to remove any protected trees.² Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. The proposed project would not remove the existing street trees on the adjacent south side Fulton Street. The proposed project would not conflict with the local tree preservation ordinance and would comply with Section 143(b) of the *Planning Code*.

Parking. Section 151.1 of the *Planning Code* does not require any parking for any use in the NCT District. Up to .5 spaces per residential unit is permitted; up to .75 spaces per residential unit is allowed with Conditional Use authorization. The *Planning Code* permits parking for grocery store uses at a rate of up to one space for every 500 square feet of occupied floor area up to 20,000 square feet and, with Conditional Use authorization, up to one space for each 250 square feet over 20,000 square feet, for a total of 91 allowable spaces. The proposed project would provide ~~102~~ 104 parking spaces for the residential uses and 91 spaces for the grocery store use, and ~~two~~ 10 car share spaces, for a total of up to 195 ~~205~~ parking spaces as proposed. The proposed project's ~~102~~ 104 independently accessible spaces would exceed ~~comply with~~ this maximum for residential parking spaces in the *Market and Octavia Neighborhood Plan's* NCT District allowable with Conditional Use authorization. The project ~~would~~ proposes to provide valet service for the ~~34~~ spaces in excess of 0.5 spaces per unit as required by *Planning Code* Section 151.1(f)(2). ~~The proposed project would meet the *Planning Code's* requirement for two car share parking spaces (Section 166). Section 166 requires three car-share parking spaces to be provided for the project. Section 166(d) specifies that the provision of these required spaces is not counted against the number of parking allowed by the Code as principal, accessory or conditional use. Accordingly, the project sponsor could opt to increase the number of car-share spaces beyond the number required by Section 166 (e.g., 3 spaces; 10 currently proposed based on revised plans, 4/16/10.) However, any increase in car-share spaces would require a commensurate reduction in the number of residential or commercial spaces, such that the total amount of off-street parking does not exceed 148 spaces.~~

² City and County of San Francisco, Board of Supervisors, Ordinance no. 17-06, amending *Public Works Code* Sections 801 et. seq.

Bike Parking. *Planning Code* Section 155.5 requires that for projects over 50 dwelling units, 25 Class 1 spaces³ plus one Class 1 space for every 4 dwelling units over 50 be provided, therefore 47 spaces are required. The *Planning Code* also requires three bicycle parking spaces for the grocery use. The project proposes ~~52~~ 60 bicycle spaces in compliance with these requirements (see Figure 7, page 8, for the location of bicycle facilities). One shower and two clothes locker facilities would be required pursuant to Section 155.3 for a retail use between 25,000 square feet and 50,000 square feet.

Loading. The proposed project would provide one 60-foot off-street loading area for the commercial grocery store use, and one 35-foot off-street loading space for the project's proposed residential use. In addition, the project sponsor would request an 80-foot-wide, on-street commercial vehicle loading/unloading (yellow) zone on Fulton Street adjacent to the on-site loading area. The proposed project's loading area would meet the *Planning Code's* Section 152 requirement for one on-site loading space for the grocery store use and one space for the residential uses. The *Market-Octavia Plan* does not require off-street loading for either the residential or the grocery store uses.

Summary

The proposed project would be an infill mixed-use development in the Market and Octavia Neighborhood Plan Area with four residential stories over a ground-floor grocery store. It would be permitted in the Hayes-Gough Neighborhood Commercial Transit, Residential Transit- Oriented and the Fulton Street Grocery Store Special Use Districts, and would comply with the height requirements of the 40-X/50-X Height and Bulk District. As noted, the proposed project would require Conditional Use authorization from the Planning Commission for residential and commercial uses on a lot exceeding 10,000 square feet (San Francisco *Planning Code* Section 720.11); commercial space above 3,000 square feet (Section 720.21); excess parking for grocery use greater than 20,000 square feet (Section 720.22); excess parking for residential use (Section 720.94), and approval as a Planned Unit Development (Section 304) with certain modifications related to rear yard configuration.

PLANS AND POLICIES

The *San Francisco General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to environmental issues. The *General Plan* contains 10 elements

³ A Class 1 bicycle parking space is defined as a facility that protects the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3) monitored parking, (4) restricted access parking, and (5) personal storage.

(Commerce and Industry, Recreation and Open Space, Housing, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety, and Arts) that set forth goals, policies and objectives for the physical development of the city. The compatibility of the project with *General Plan* 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 any conflict between the project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the project.

Environmental plans and policies like the *Bay Area 2005 Ozone Strategy* directly address physical environmental issues and/or contain targets or standards that would preserve or improve specific components of the city's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

Market and Octavia Neighborhood Plan

The subject property is within the Market and Octavia Neighborhood Plan Area, adopted on May 31, 2008 by the Board of Supervisors. The Market and Octavia Area Plan is an element of the *General Plan* that focuses on the area within a short walking distance of Market Street between the Van Ness Avenue and Church Street Muni stations and along Octavia Boulevard on the former Central Freeway right-of-way. The Area Plan is a means for implementing a set of locally tailored land use controls, urban design guidelines, and public space and transportation system improvements with the goal of creating a dense, vibrant, transit-oriented neighborhood. The Market and Octavia Neighborhood Area Plan encourages, among other things, new infill housing on former freeway parcels throughout the neighborhood; improving pedestrian safety on major traffic streets; creating a network of civic streets and open spaces, with new parks, street improvements and extensive tree planting; strengthening neighborhood-serving businesses as well as improving the quality, vitality and accessibility of the area's neighborhood commercial streets. *Planning Code* and Zoning Map amendments were adopted to implement the Market and Octavia Plan's goals and objectives and form the basis of the *Planning Code* provisions on pages 15 to 18 of this Initial Study.

Proposition M

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These

policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow, and Questions 9a and c, Recreation and Public Space). Prior to issuing a permit for any project which requires an Initial Study under CEQA, and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in the Evaluation of Environmental Effects, providing information for use in the case report for the proposed project. The case report and approval motions for the project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

Regional Plans and Policies

The five principal regional planning agencies and their over-arching policy-plans to guide planning in the nine-county bay area include (1) the Association for Bay Area Governments' "*A Land Use Policy Framework*" and *Projections 2005*, (2) the Bay Area Air Quality Management District's (BAAQMD's) *Clean Air Plan (CAP)* and *Bay Area 2005 Ozone Strategy*, (3) the Metropolitan Transportation Commission's *Regional Transportation Plan (RTP)—Transportation 2030*, (4) the San Francisco Regional Water Quality Control Board's (RWQCB's) *San Francisco Basin Plan*, and (5) the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. The proposed project would not conflict with regional plans or policies.

PROJECT APPROVALS

Based on the *Planning Code's* land use controls, the project proposal would require the following approvals, with the approving body shown in parentheses and italics: e.g. (*Planning Commission*). No other approvals or permits from regional, State, or federal agencies, would be required.

- Conditional Use authorization for residential and commercial uses on a lot exceeding 10,000 square feet (Section 720.11); commercial use size above 3,000 square feet (Section 720.21); excess parking for grocery store use greater than 20,000 square feet. (Section 720.22); and excess parking for residential uses (Section 720.94) (*Planning Commission*).
- Conditional Use authorization as a Planned Unit Development (Section 304) with modifications sought for rear yard configuration (*Planning Commission*).
- Demolition and site permits (*Department of Building Inspection*).
- Street and sidewalk permits (*Department of Public Works*).
- Curb or road modifications approval (*Department of Parking and Traffic*).
- Lot merger approval (*Zoning Administrator*).

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below, for which mitigation measures are identified in this study. The following pages present a more detailed checklist and discussion of each environmental factor.

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

This Initial Study examines the project to identify potential effects on the environment. On the basis of this study, project-specific effects that have been determined to be potentially significant include: cultural and paleontological resources, air quality, construction noise, and hazards/hazardous materials. This Initial Study identifies mitigation measures which would reduce impacts to cultural and paleontological resources, air quality, construction noise, and hazards/hazardous materials to a less-than-significant level. In addition, although project-related transportation and circulation impacts would be less than significant, improvement measures are recommended to further reduce these impacts. These mitigation and improvement measures are discussed under relevant topical sections of the checklist.

Impacts of the project that have been determined to be less than significant include: land use; aesthetics; population and housing; transportation and circulation; operational noise; wind and shadow; recreation; utilities and service systems; public services; biological resources, geology and soils; hydrology and water quality; mineral/energy resources; and agricultural resources. Those issues are discussed below. For each checklist topic analyzed, the evaluation has considered the impacts of the project both individually and cumulatively.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

All items on the Initial Study Environmental Evaluation Checklist have been checked either “Not Applicable,” “No Impact,” “Less Than Significant,” or “Less Than Significant with Mitigation Incorporated.” These categories indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect in relation to these items. For Checklist items checked other than “Not Applicable,” the Initial Study discusses each item. For all of the items checked “Not Applicable,” the conclusions regarding potential significant adverse environmental effects are based on field observation, staff and consultant experience and expertise on similar projects. Conclusions may also be based on standard reference material available within the Planning Department, such as the Department’s *Transportation Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps published by the California Department of Fish and Game. For each Checklist item, the evaluation has considered both the individual and cumulative impacts of the proposed project.

<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>
1. LAND USE AND LAND USE 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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Established Community. The proposed project would result in demolition of the existing two-story 19,620-square-foot industrial and office building and construction of a 139,637 gross-square-foot mixed-use building as described on pg. 1 of this Initial Study, but would not disrupt or divide the physical arrangement of surrounding uses and activities. Constructed within the existing lot boundaries, the proposed commercial and residential building would not interfere with or change the existing street plan and would not impede the passage of persons or vehicles. The surrounding uses and activities would remain and would interrelate with each other as they do at present. Thus, the project would result in a less-than-significant impact because it would not physically divide an established community.

b. Consistency with Plans and Zoning. As described above in Section C, Compatibility with Zoning, Plans, and Policies, the proposed project would not obviously or substantially conflict with any

applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, such that an adverse physical change would result.

c. Land Use Character. The proposed project would not introduce incompatible land uses to the area. As described under the *San Francisco Planning Code* beginning on page 13, the subject property's SUD and zoning district would permit the project's residential and retail (grocery) uses. The proposed project would be achieved within the existing lot and block configuration. While the project would represent a local intensification of land uses compared to existing conditions, the project's block pattern would be similar to (and less intensive than) other blocks in the immediate vicinity. It would serve as a transition from the two residential blocks to its north in the former Western Addition A-2 Redevelopment Project Area, which interrupt the street grid and are twice as large (about 915 feet east/west by 285 feet north/south versus 450 feet long [east/west] and 150 feet wide [north/south] at the project block). The scale and massing of the five-story residential-commercial building would be larger (e.g., about one to three stories taller) than many of the buildings in the area including the adjacent two-story building to the east on Fulton Street at Octavia Street as well as buildings to the site's south along Birch Street (see Topic 2, Aesthetics, page 24, for more information). Constructed on a merged lot, the proposed project includes recesses and modulation (such as in its fenestration) in its primary facades, which seeks to break down the building's perceived mass and relate to the finer-grain patterns of buildings surrounding the site. Nonetheless, other comparably-scaled developments also exist in the project vicinity and are located along the north side of Fulton Street between Buchanan and Gough Streets, at the southwest corner of Fulton Street and Benneker Way, and the northeast corner of Grove and Laguna Streets.

The project building's proposed uses would be compatible with the mixed-use character of the surrounding area and would comply with the site's *Planning Code* and height and bulk requirements. Based on the foregoing, the proposed project would not adversely alter the vicinity's existing land use character, and its impact would be less than significant.

Cumulative Land Use Impacts. Cumulative impacts refer to two or more individual effects which, when considered together are considerable or compound or increase other environmental impacts. Cumulative impacts may combine with similar impacts from other past, present or reasonably foreseeable projects in a similar geographic area. As of February 2010, one application is on file at the Planning Department for a proposed three-story performing arts venue at 205 Franklin Street at Fell Street, about 2,200 feet (0.4

miles) to the southeast of the project site.⁴ Additionally, another approved project at 365 Fulton Street (Assessor Block 0792, Lot 28, about 615 feet directly to the east of the project site), referred to as “Parcel G” in the Market and Octavia Neighborhood Plan would include residential uses—construction began on this project in February 2010. The project at 365 Fulton Street would entail construction and operation of a five-story building with 120-studio-apartments for persons with mental illness. The building would include ground-floor retail and social service spaces.

Given the distance of these projects to the subject property and their moderate level of land use intensity, no cumulative land use impacts are anticipated. Land uses surrounding the project site are predominantly residential. The proposed project is consistent with the Market and Octavia Neighborhood Plan’s land use designations and policies for moderately-scaled mixed-use (residential/commercial) infill development and would represent a portion of the residential and commercial growth foreseeable to occur in the neighborhood in a manner consistent with area-wide planning. While the proposed project would intensify land uses on the project site, it would neither physically divide an established community, conflict with adopted land use plans, substantially and adversely alter the land use character of the vicinity nor combine with land uses of other projects to result in cumulatively considerable impacts. Therefore, the proposed project’s impacts related to land use, both individually and cumulatively, are 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>
2. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁴ Information related to this project is available for review at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, as part of Case No. 2008.1234E.

a. Scenic Vistas and Views. San Francisco has many scenic views from its hilltops and from locations near the Pacific Coast or the San Francisco Bay. Buildings, structures, and other physical elements define lines of sight that create view corridors. The height and location of buildings along streets and the resulting street walls form the majority of view corridors in San Francisco. Some of San Francisco's view corridors, particularly those from its numerous hills, yield spectacular views of San Francisco Bay. The *General Plan* identifies the importance of recognizing and protecting major views in the City, with particular attention to those of open space and water.⁵

Views of the project site in the area are limited to nearby locations. The existing view of the project site from Fulton Street is of a two-story industrial building constructed in 1957 with a 15-foot-tall wall shielding views of the interior vehicle yard; nine street trees also partially screen the wall and building. On Octavia Street, there is a wall approximately 15 feet tall enclosing the vehicle yard and the main entrance gate. The project site's Birch Street frontage is a non-descript, rear building and vehicle yard wall. The view along Laguna Street, and from the western ends of Birch and Fulton Streets, is of the fence-enclosed surface parking lot and the upper story of the existing two-story industrial building.

Scenic vistas are limited in the project vicinity because the project site is in a flat area of the city, not located on one of San Francisco's hilltops, and not near the San Francisco Bay or Pacific Ocean. Approximately two blocks to the north, the topography begins to slope uphill. Cathedral Hill and Japan Town are visible in the mid-ground and Pacific Heights is in the distance. Views along each of the streets surrounding the project block and site are typical cityscapes of roadway, parked and moving cars, and two- to five-story buildings. The view east along Fulton Street terminates with views of City Hall and the Civic Center District.

Nearby public open space includes Alamo Square five blocks west of the project site, and within about a two-to three-block radius, the Hayes Valley playground and Patricia's Green to the southwest, the Ella Hill Hutch Recreation Center to the northwest, and the Hayward Playground and Jefferson Square to the north. Given the dense nature of surrounding urban development and the heights of intervening buildings between these public open spaces and the project site, prevalent views from these nearby public open spaces would not substantially change because of project development. The upper levels of the proposed project may be visible above the surrounding structures, and the parks may be visible from the upper stories of the proposed project. However, most of the proposed building would not be visible

⁵ San Francisco Planning Department, *Urban Design Element of the General Plan*, Objective 1, Policy 1.1, http://www.sfgov.org/site/planning_index.asp?id=41416.

from any of these open spaces because intervening buildings block views of the project site. Each of these open spaces is a minimum of two blocks from the project site and is surrounded by two- to four-story buildings that would obstruct most, if not all views of the project site.

A project would have a significant effect on scenic vistas if it would substantially degrade important public view corridors or obstruct scenic views from public areas viewable by a substantial number of people. The San Francisco *General Plan's* Urban Design Element characterizes Fulton Street as a "Street with Views of Important Buildings" as part of a larger context of "Street Areas Important to the Perception of the City," and evaluates the easterly view on Fulton Street as "good."⁶ The proposed project would not obstruct views along Fulton Street and would not substantially degrade important view corridors or obstruct scenic views from public areas.

The proposed project would replace the existing two-story industrial building and enclosed vehicle yard with a five-story residential building including ground-floor commercial space. The proposed building would be as tall or taller than most of the existing buildings within a two-block radius of the project site. The existing 40-X/50-X Height and Bulk District permits grocery uses up to 50 feet in height, and the Hayes-Gough NCT District permits building heights of an additional five feet to expand commercial ground-floor uses' floor-to-ceiling heights. The proposed project, at 55 feet in height, would therefore be consistent with the height controls in the *Planning Code*. The proposed building would be visible from public sidewalks and streets surrounding the project block. Intervening buildings would partially or completely screen views from nearby streets, but the upper portion of the proposed project may be visible from segments of some streets in the vicinity. The proposed new building may be visible in some longer-range views from Cathedral Hill, Japan Town, or Pacific Heights. The project site is located on Fulton Street, which has views to the east of City Hall; however, the proposed project would not obstruct the views of City Hall looking east from Fulton Street. The effect would be to create a stronger visual edge through the creation of a more regular urban street wall along Fulton Street where there is currently none. Built within the existing lot, the proposed building would not materially alter or interfere with the surrounding view corridors along Fulton, Octavia, Birch, and Laguna Streets.

For the reasons discussed above, the proposed project would not substantially degrade or obstruct any scenic view or vista observed from public areas and would not create a significant impact on scenic visual resources.

⁶ San Francisco Planning Department, *Urban Design Element of the General Plan*, Map "Street Areas Important to the Perception of the City."

Views from Private Residences. Views, or portions of views of sky or other buildings in the area from some nearby private lots looking over the existing project site would likely change with the construction of the five-story building. The proposed project would be visible from some multi-unit residential buildings in the project vicinity, principally those across Fulton, Octavia, Birch, and Laguna Streets bordering the project block and site. The proposed project would foreshorten or eliminate private views across rooftops or portions of the sky. Birch Street has several two- and three-story residences with upper level windows with views over the site that would change as a result of the project. The proposed project would incorporate an upper-level setback on its southern facade to address the project's height and massing as it relates to Birch Street. Nonetheless, private views would be substantially foreshortened given the width of Birch Street, but this is not uncommon in dense urban neighborhoods. Views from the Kingdom Hall of Jehovah's Witnesses building, immediately adjacent to the east, would not be impacted as there are no windows on the west or south elevations of that building. The changed private views for some nearby residents would be an unavoidable consequence of the proposed project and may be an undesirable change for some individuals, however changes in private views do not rise to the level of a potentially significant environmental impact.

b. Scenic Resources. Scenic resources include trees, rock outcroppings, and other features of the built or natural environment that contribute to a scenic public setting. The existing building and vehicle yard cover the entire project site. There are no landscape features on the project site, but there are nine street trees on the sidewalk along Fulton Street. The project site does not contain any significant scenic resources, and the proposed project would retain the existing street trees in addition to adding new street trees as required by the *Planning Code*. The existing view of City Hall, which is visible in mid-range views to the east along Fulton Street, would not be damaged by the proposed project. For these reasons, the proposed project would not have a significant effect on scenic resources.

c. Visual Character. The visual character of the project site and vicinity is urban, with moderate density residential uses and occasional ground-floor retail establishments adjacent to neighborhood commercial districts. The project vicinity contains a variety of buildings of different types, sizes, and ages, most date from the early- to mid-twentieth century. Heights vary from one to five stories, with the majority of buildings ranging from two to four stories.

The proposed project would replace the existing utilitarian, two-story industrial building with a five-story mixed-use building that would be rectilinear in form with a contemporary design. The Laguna Street entrance would be set back creating a small entrance plaza. Exterior finishes would consist of a

poured concrete, terra cotta panels and the building's surface would be punctuated with a number of window openings that would provide visual interest and rhythm on the street-facing facades while also maximizing natural lighting into interior spaces.

The proposed in-fill development project would be located in the Market and Octavia Plan Area, an urban neighborhood where land uses and buildings are expected to intensify over time. The proposed five-story building would be larger than many buildings in the area, but it would conform to the 40-X/50-X height and bulk controls developed and adopted for the Market and Octavia Neighborhood Plan. The proposed height would be taller than the adjacent two-story Kingdom of Jehovah's Witnesses building on the project block but visually comparable with the two-to four-story buildings within a two-block radius. The project's contemporary design would contrast with the design and materials of the surrounding (predominantly wooden) buildings, but would be generally compatible with the residential and mixed-use visual character of surrounding development in terms of building height, street frontage, massing and modulation.

The Kingdom Hall of Jehovah's Witnesses, immediately adjacent to the east of the project site, is a two-story wooden building with two bay windows along Octavia Street and three bay windows along Fulton Street. The proposed project would be three stories taller than the Jehovah's Witness Hall on its south and west sides. The project's building design and massing would be in contrast to the existing Jehovah's Witness Hall building in that it would be a contemporary design, five stories tall, with a street frontage of 410 feet along Fulton Street. The project would wrap around the south side of the Jehovah's Witness Hall forming a backdrop to the building.

The proposed project's final architectural design and articulation would undergo evaluation by the Planning Department and Planning Commission as part of the project's entitlement process, which is separate from environmental review. Design and aesthetics are by definition subjective and open to interpretation by decision-makers and members of the public. While the change in localized neighborhood character may be viewed as substantial by some, the proposed project would not result in an adverse change to the character of the site or its surroundings. The Planning Department and the Planning Commission have the discretionary authority to address design issues during the separate project review process that leads to the Planning Commission's decision over project approval or disapproval.

d. Light and Glare. Residential and commercial buildings, signs, and streetlights all contribute to nighttime light conditions in the project vicinity. Compared to the existing office and vehicle-yard use, the proposed project would introduce more of the outdoor lighting typical of other nearby residential uses, from windows and the entries. It would also introduce commercial lighting, including signage and garage lighting. The proposed project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Mirrored glass would not be used in the new building. Exterior residential lighting would be consistent with similar lighting on surrounding land uses. Although it would introduce a new source of light in the area, exterior commercial signage and lighting would be low glare consistent with the requirements of the *Building Code*, and consistent with such lighting at other grocery stores in the City. Fixtures would be directed downward to minimize visible light on and off the project site. For these reasons, the proposed project would not generate obtrusive light or glare that would result in a significant impact.

Cumulative Aesthetic Impacts. The project would increase the scale and intensity of the existing built environment in the area with the introduction of a larger building than currently exists on the subject property. The change in aesthetics and neighborhood character, although noticeable, would be consistent with the mixed-use nature and urban context of the project area as envisioned in the Market and Octavia Neighborhood Plan. Given the distance between the proposed project site and the performing arts venue project at 205 Franklin Street (about 2,200 feet to the southeast), and the proposed residential project at Parcel G (about 640 feet directly east), the proposed project combined with potential aesthetic affects of these other projects would not result in cumulatively considerable effects on views, visual character, scenic resources or light and glare. Therefore, the proposed project’s impacts related to aesthetics, both individually and cumulatively, 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>
3. POPULATION AND HOUSING— Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Currently, the site is occupied by a two-story office and warehouse building and a surface parking lot for about 70 vehicles. The existing office and warehouse employ about 30 people. ~~There are no residents on the site.~~ Based on a review of records at the time the PMND was published, it appeared that no residents were living on the project site. However, a site visit subsequent to publication of the PMND indicated that approximately seven people reside in commercial live-work units. Using the average household occupancy rate of 1.68 persons for Census Tract 162 in which the subject property is located, the proposed development of 136 dwelling units would result in an estimated on-site population of approximately ~~228~~ 292 residents⁷. The 32,800 square-foot grocery store would employ approximately 94 people using standard Planning Department calculations, resulting in a net increase of about 64 employees and a total net increase of 292 persons on-site over existing conditions.⁸

a. Population Growth. In general, a project is considered growth inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not implemented. The 2000 U.S. Census indicates that the population of the project's census tract, Census Tract 162 (bounded by Fulton/McAllister Streets, Oak Street, Laguna Street, and Van Ness Avenue), is approximately 2,502 persons. Due to new residential development in this area, the local population has likely increased since 2000. Based on year 2000 population totals, the proposed project would increase the population in Census Tract 162 by approximately nine percent.⁹ The project would increase the overall residential population of the City and County of San Francisco by less than 0.1 percent.¹⁰

The proposed project would increase employment at the site by up to approximately 64 jobs. This employment increase would be small and would not generate a substantial demand for additional housing in the context of citywide employment growth. Demand for housing by the new employees could be offset by the dwelling units constructed as part of the proposed project, should future employees chose to live in San Francisco.

⁷ U.S. Census Bureau, Census 2000, Table QT-H3. Household Population and Household Type by Tenure: 2000, average persons per occupied household.

⁸ Employment generation factor of 350 square feet per retail employee is based on the *San Francisco Transportation Guidelines*, Table C-3.

⁹ Census 2000 population in Census Tract 162 was 2,502 and the proposed project would increase population by about ~~229~~ 228 residents. $\frac{229-228}{2,502} = 0.002$ $0.091 = 9.2 = 9.1$ percent = approximately a nine percent increase.

¹⁰ The calculation is based on the estimated Census 2000 population of 776,733 persons in the City and County of San Francisco (and population generated by household size factor). $\frac{229-228}{776,733} = 0.00029 = 0.029$ percent).

While the project would increase population and employment at the site compared to existing conditions, project-specific impacts would not be significant relative to the number of area-wide residents and employees in the project vicinity. Overall, the increase in housing and employment would be less-than-significant in relation to the expected increases in the population and employment of San Francisco. The project would not directly or indirectly result in a significant increase in population. Project-related impacts with respect to population growth would be less than significant.

Affordable Housing. Residential uses proposed on the project site would help address the City's broader need for additional housing. In a citywide context, job growth and in-migration outpace the provision of new housing. In June 2008, the ABAG projected regional needs in its Regional Housing Needs Determination (RHND) 2007-2014 allocation. The projected need of the City and County of San Francisco from 2007 to 2014 is 31,193 new dwelling units, or an average annual need of 4,456 net new dwelling units.¹¹ There is a particular need for units affordable to very low-, low-, and moderate-income households, which is addressed by the City's Inclusionary Affordable Housing Program in *Planning Code* Sections 315 through 315.9. As required by the *Planning Code*, the proposed project would provide 16 on-site affordable units (12 percent).

b. and c. Population and Housing Displacement. As noted above, the project site is currently used as an office, warehouse and a surface parking lot, which employs approximately 30 people. It is anticipated that the businesses on site would find other locations from which to operate. If the existing businesses terminated operations, then up to approximately 30 employees would be displaced. This loss would be offset by the creation of an estimated 64 net new (or 94 total) jobs on site. ~~No~~ About seven residents ~~would~~ may be displaced as a result of the project. The proposed project would result in less-than-significant impacts related to displacement of people.

Cumulative Population and Housing Impacts. The 2000 U.S. Census indicates that the population of the subject property's census tract, Census Tract 162, is 2,502 persons. Based on 2000 population totals, the proposed project would increase the population in Census Tract 162 by approximately nine percent. The 136 proposed households would be 2.28 percent of the total household growth forecasted by 2025 in the Market and Octavia Neighborhood Plan area; the 64 net new jobs would be 1.49 percent of the total job

¹¹ Association of Bay Area Governments, San Francisco Bay Area Housing Needs Plan, 2007-2014, <http://www.abag.ca.gov/planning/pdfs/SFHousingNeedsPlan.pdf>

growth forecasted by 2025 in the Plan Area.¹² This growth is planned by the City, and is consistent with the Association of Bay Area Government’s projections for citywide growth. As such, cumulative population and housing 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>
4. CULTURAL AND PALEONTOLOGICAL RESOURCES – Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Historical Resources. An independent consultant evaluated the existing structure on the project site for potential historical significance, the results of which are summarized below under California Department of Parks and Recreation Form 523 AB.¹³ The Planning Department prepared a response to this evaluation, which is summarized below under Historic Resource Evaluation Response.¹⁴

Form 523 AB. Built in 1957, 555 Fulton Street is a two-story, reinforced concrete commercial building designed in a modified International style. The square-plan building, clad in ~~smooth stucco~~ concrete, is capped by a flat roof. The foundation is not visible from the street. The primary façade faces north toward Fulton Street. A small portion of the west façade is visible, and the south elevation fronts on Birch St. The primary façade is 5 bays wide. The first story features an off-center main entrance at the west end of the elevation fitted with a steel door and aluminum-frame sidelights and transom. Narrow bands of vertical

¹² *Market and Octavia Neighborhood Plan FEIR* (Case No. 2003.0347E) projects 5,960 new households and 4,290 new jobs for the Plan Area. This document is available for review at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, as part of Case No. 2003.0347E.

¹³ Page & Turnbull, *Department of Parks and Recreation Form 523AB*, April 2007. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case No. 2005.1085E.

¹⁴ San Francisco Planning Department, Tim Frye, *Historic Resource Evaluation Response for 555 Fulton Street*, February 5, 2010. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case No. 2005.1085E.

wood siding outlined in a projecting concrete band molding extend across the elevation on both sides of the entrance. The band contains three pairs of steel, four-light awning sash over divided or undivided metal bottom lights. The second story has a full-length band of vertical wood siding with single and paired sets of the same window type. The west elevation has a bay entrance with steel overhead door in the first bay and a secondary entrance with glazed aluminum door in the adjacent bay. The second story has a pair of awning sash in the first bay with a wide projecting concrete surround. The remaining visible bays have utilitarian divided metal awning sash. The rear elevation on Birch Street has no openings. The building appears to be in good condition.

555 Fulton Street was constructed in 1956 for Christopher Dairy Farms as a dairy processing facility. August E. Waegemann served as the building engineer and William Burrows Inc. as contractor. The building site was purchased in 1954 from B. Samuels, Leone Palmer, Marius Giland, et. al. Prior to construction, the site was occupied by a printer's shop, store, and gas station.

Christopher Dairy Farms was owned by George Christopher (1907 – 2000), who served as Mayor of San Francisco from 1956 to 1964. Born in Greece, Christopher immigrated to the United States with his family in 1910, settling in South of Market Area. He studied accounting at Heald College and later went to work for Excelsior Dairy where he became a company official in 1937. Christopher subsequently entered into a partnership with the Meadow Glen Dairy, which eventually evolved into Christopher Dairy Farms.

In 1945, Christopher was elected to the San Francisco Board of Supervisors. In 1951 he ran unsuccessfully for mayor, but was elected on his second try in 1955. Christopher's two terms as mayor were marked by some of the most substantial—and controversial—changes to San Francisco's urban grid since the 1906 earthquake and fire. These included the redevelopment of the Embarcadero Center and Golden Gateway, the massive urban renewal projects in the Fillmore and Japantown, construction of a new city jail, and the opening of the Embarcadero Freeway along the central waterfront. While still serving as mayor he made an unsuccessful bid for the U.S. Senate in 1958, and in 1962 ran for Lt. Governor of California. In 1966, he lost the Republican primary for Governor of California to Ronald Reagan.

Christopher Dairy Farms occupied the building at 555 Fulton Street between 1956 and 1970, when the company was sold to Berkeley Farms, Inc. City directories for the 1970s indicate the building was occupied by both Berkeley Farms and the Juice Pak Corporation. However, George Christopher apparently continued to maintain an office in the building. The City Directory for 1982 shows the Juice Pak Corporation as well as Christopher Commercial Corporation Business Consulting. More recently, the

building has housed a variety of commercial tenants, including a furniture warehouse, plumbing and food services.

The independent consultant found that 555 Fulton does not appear to be eligible for the National or California Registers or for local designation. The building retains integrity of location, with diminished integrity of setting and feeling due to large, modern residential complexes having been constructed on many of the surrounding blocks. The building retains integrity of design, materials and workmanship. The façade has been minimally altered since construction, though the original signage has been removed. 555 Fulton Street is a well preserved, modest example of an international style commercial and industrial building, but is not distinctive architecturally. The building is not associated with any significant events in the history of San Francisco or the State of California. While the building is associated with a noted figure in San Francisco politics, it does not appear to be eligible for historical resource designation, due to the fact that much of that period of association occurred outside of the historic period and that, the dairy itself was not associated with George Christopher's political career or any of his accomplishments in various government roles.

Historic Resource Evaluation Response. The San Francisco Planning Department Historic Resource Evaluation Response (HRER) concurs with the above independent consultant analysis. The subject building was evaluated as part of the Market and Octavia Neighborhood Plan Historic Survey on November 6, 2006. It was given a National Register of Historic Places status code of 6Z (found ineligible for National Register, California Register or local designation through survey evaluation). The subject property borders the California Register-eligible Hayes Valley Residential Historic District and is in close proximity to the California Register-eligible Commercial Historic District as well as the Civic Center Article 10 Historic District and National Historic Landmark.

Hayes Valley Residential Historic District. The Department has determined that the proposed undertaking would have some effect on the integrity of setting and feeling of the portions of the district that abut the project site along Birch and Octavia Streets. Specifically, the character-defining features that would be affected are the fine-grain residential character, detail and modulation, the intimate pedestrian scale—including at-grade or slightly raised entries, the two- to three- story predominate height predominate along the potential district's northern Birch Street boundary. Other building elements found within the adjacent neighborhood include an established solid to void ratio, consistent vertical fenestration pattern, prominent entry scale and size, as well as architectural millwork.

The project, as proposed, would be of greater scale, height, proportion and mass than the potential District's historic buildings. An appropriate height and scale would reflect a two- to three-story predominate height as seen in the contributing buildings located along Birch and Octavia Streets. Any additional floors that exceed above the three-story height should incorporate a substantial setback to reduce their visibility along the public rights-of-way.

While the Department has identified these effects, the overall project as currently designed, would not rise to a level of significance such that an adverse material change would occur to the Hayes Valley Residential Historic District; the proposed project would also not affect the adjacent district in such a way as to preclude its potential listing on the California Register.

Hayes Valley Commercial Historic District: It is the Department's determination that the proposed undertaking would not have an adverse impact upon the Hayes Valley Commercial Historic District. The project site is one block removed from the district. The Hayes Valley Commercial Historic District is centered along Hayes Street and the project site will only be visible from limited oblique viewpoints from within the district.

Civic Center Historic District: It is the Department's determination that the proposed undertaking would not have an adverse impact upon the Civic Center Historic District. The project site is two blocks removed from the district. Fulton Street acts an important view shed for the district as Fulton Street terminates at the edge of the district and provides a significant perspective towards City Hall. The proposed project will not impede on the district's ability to convey its significance nor would the proposal obscure the view shed towards City Hall and the Civic Center Historic District provided by Fulton Street.

b. Archeological Resources. The Planning Department prepared a preliminary archeological investigation of the project site, which is summarized below.¹⁵ The investigation concludes that the proposed construction of the two-level subterranean parking garage and excavation of approximately 25,000 cubic yards of soil to a depth of up to 20 feet could uncover unique, CEQA-significant archeological and paleontological resources or disturb human remains. Archeologists have not identified areas containing prehistoric resources on the project site or nearby. However, the area was historically a wetlands characterized by heavy willow growth, an indicator of potential prehistoric deposits. The date

¹⁵ San Francisco Planning Department, Randall Dean, Memo to Brett Bollinger, *Preliminary Archeological Evaluation of 555 Fulton Street*, October 1, 2007. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case No. 2005.1085E.

of first development on the project site is unknown, but the western end of project site had been developed by the late 1880s, and the surrounding area was developing in the early 19th century. Even though the middle part of the project site was undeveloped in 1900, the density of 19th century residential development within the project site suggests a strong likelihood that artifact-filled features (privies, wells, trash pits, cisterns) may be present.

Project excavation creates the potential to encounter important archeological resources and the proposed project would have a potentially significant archeological resource impact. Implementation of the following mitigation measure, would reduce the proposed project's potentially significant impact on archeological resources—including human remains interred outside of formal cemeteries—to a less-than-significant-level.

Mitigation Measure M-CP-1—Archeology (Monitoring). Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

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

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site

remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archeological resources and to their depositional context;

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered temporarily to redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

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

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

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes

would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

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

Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archeological resource and describes the archeological and historical research

methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

c. and d. Paleontological, Geological Resources and Human Remains. There are no known paleontological resources or unique geological features at the project site. Therefore, the project would not be expected to result in any adverse effects on these resources. Thus, the project would have no impact on paleontological resources.

Although no known human remains have been recorded at the project site, **Mitigation Measure M-CP-1**, discussed above, would reduce any potentially significant disturbance, damage, or loss of human remains to a less-than-significant level. The site has already been fully developed, and there are no unique geologic features on the project site that the proposed project could affect. Therefore the proposed project would not have impacts on paleontological resources, geological resources, or human remains.

Cumulative Cultural Resources Impacts. As discussed above, the project site does not contain a building that has been determined eligible, either individually or as a contributor, as an historic resource for the purposes of CEQA. The proposed project would therefore not combine in a cumulatively considerable manner with the proposed projects at 205 Franklin Street (also determined not to be an historic resource) or 365 Fulton Street (also not an historic resource). The proposed project would have some effect on the adjacent and as-yet listed Hayes Valley Residential Historic District, but would not affect it in a

substantial or adverse way such as to materially impair its ability or the ability of other nearby historic districts¹⁶ to convey their significance.

As stated above, the project would involve ground excavation, which may impact subsurface cultural resources. However, implementation of **Mitigation Measure M-CP-1** would reduce impacts to a less-than-significant level and as such, no project-specific contribution to cumulative impacts are anticipated. Based on the foregoing, the proposed project’s impacts related to cultural resources, both individually and cumulatively, are less than significant.

<u>Topics:</u>	<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) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is not located near a public or private airport or within a land use plan for an airport. The proposed project would not change air traffic patterns nor substantially increase air traffic safety risks

¹⁶ The Proposed Hayes Valley Residential District borders the project site to the south, the proposed Hayes Valley Commercial Historic District is one and one-half blocks to the south, the Alamo Square Historic District is two blocks to the west, and the Civic Center Historic District is two blocks to the east.

(Checklist Item 5c); this checklist topic is not applicable. The proposed project would not have unusual characteristics or particular design features that would increase traffic hazards, such as sharp curves or dangerous intersections, or incompatible uses (Checklist Item 5d). Similarly, the proposed project would not create a significant emergency access impact because the project site would not block streets or otherwise impede ambulances, fire trucks, or police cars, and the project site is accessible from major streets (Checklist Item 5e). The proposed project would not include aspects that would conflict with adopted policies, plans, or programs supporting alternative transportation (Checklist Item 5g). There would be no impacts related to these checklist items.

An independent consultant prepared a transportation report and it is summarized below.¹⁷

Project Area. The project site's boundaries are Fulton Street on the north, Octavia Street on the east, Birch Street on the south, and Laguna Street on the west. Fulton Street is a two-way, two-lane, east-west street with one travel lane and one bicycle lane in each direction, and on-street parking on both sides of the street. Birch Street is a one-block-long, one-way, one-lane, eastbound street connecting Laguna and Octavia Streets. On-street parking is permitted along the south curb, but not permitted adjacent to the project site. Near the project site, Octavia Street is a two-way, two-lane north-south street with on street parking on both sides of the street that terminates at Fulton Street on the north and turns into Octavia Boulevard three blocks to the south. Laguna Street is a two-way, north-south arterial with one travel lane in each direction, and on-street parking on both sides of the street.

Grove Street, one block south of the project site, is a two-way, east-west street with one travel lane in each direction and on-street parking on both sides of the street. Hayes Street, three blocks south of the project site, is one of the primary neighborhood commercial streets. It is a two-way, east-west street with one travel lane in each direction and on-street parking on both sides of the street.

Gough and Franklin Streets (southbound and northbound, respectively) are one-way, three to four-lane arterials connecting Lombard Street (U.S. 101 from the Golden Gate Bridge) with Market Street. Oak and Fell Streets (eastbound and westbound), are one-way (west of Gough Street) three to four-lane streets connecting Stanyan Street with Van Ness Avenue.

Near the proposed project, the *General Plan* identifies Fulton Street west of Central Avenue as a Transit Preferential (secondary transit) street and part of the Citywide Bicycle Route #20 (eastbound) between

¹⁷ LCW Consulting, *555 Fulton Street Transportation Study, Final Report*, July 27, 2009. This report is available for public review at the Planning Department 1650 Mission Street, Suite 400, in Case No. 2005.1085E.

Baker and Octavia Streets and part of Bicycle Route #45 between Steiner and Octavia Streets. The *General Plan* designates Grove Street as part of the Citywide Bicycle Route #30 (eastbound) between Scott and Baker Streets and part of Bicycle Route #20 between Octavia Street and Hyde Street. The *General Plan* designates Franklin, Gough, Fell, and Oak Streets as Major Arterials in the CMP Network and part of the Metropolitan Transportation System (“MTS”) Network. Franklin and Gough Streets are also Neighborhood Commercial Streets between Golden Gate Avenue and Market Street. Three freeways provide regional access: Interstate 80 (I-80; East Bay, Peninsula, and South Bay), U.S. Highway 101 (U.S. 101; Peninsula, South Bay, and North Bay), Interstate 280 (I-280; Peninsula and South Bay). I-80 and U.S. 101 provide the primary regional access to the project area. U.S. 101 serves San Francisco and the Peninsula/South Bay, and extends north via the Golden Gate Bridge to the North Bay. Van Ness Avenue serves as U.S. 101 between Market Street and Lombard Street. I-80 connects San Francisco to the East Bay and points east via the San Francisco-Oakland Bay Bridge. U.S. 101 and I-80 merge south of the project site I-280 has an interchange with U.S. 101 south of the project area. These are all limited access, divided facilities with on- and off-ramps. The closest access to the U.S. 101 on-ramp and off-ramp is at Market Street and Octavia Boulevard. The closest access to I-280 is provided via on- and off-ramps at the intersection of Sixth and Brannan Streets.

a. and b. Traffic and Level of Service. Based on the trip rate for residential use in the Planning Department’s *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the proposed project would generate an estimated average daily 10,902 person-trips (89 percent grocery store, 11 percent residential) including about 912 daily person-trips during the p.m. peak hour. These 912 p.m. peak-hour person-trips would be distributed among various modes of transportation, including 520 automobile person-trips, 129 public transit trips, 263 walking/other trips (bicycles, motorcycles, and taxis). Mode split data for residential use were obtained from the 2000 Census “Journey to Work” figures for Census Tract 162, in which the project is located. Using vehicle occupancy rates from the 2000 Census applicable to the residential and retail-related trips, the proposed residential uses would generate approximately 65 vehicle-trips during the p.m. peak-hour while the grocery store would generate about 455 p.m. peak-hour vehicle trips. The estimated project-generated increase of 520 total p.m. peak-hour vehicle-trips would not be considered a substantial traffic increase relative to the existing capacity of the local street system, and both inbound and outbound trips would be distributed to the various streets in the project vicinity.

Table 2 on the following page summarizes existing traffic intersection conditions near the project site during the weekday p.m. peak hour (5:00-6:00 p.m.) and p.m. peak period (4:00-6:00 p.m.) using Level of

Service (LOS) concepts, a qualitative description of intersection performance based on the average delay per vehicle. LOS categories range from LOS A, which indicates free flow or excellent conditions with short delays, to LOS F, which indicates congested or overloaded conditions with extremely long delays. San Francisco considers LOS A through D satisfactory service levels and LOS E and F unsatisfactory.

Intersection	Existing		Existing plus Project		2025 Cumulative	
	Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS
1. Fulton/Laguna	20.3	C	22.5	C	24.5	C
2. Fulton/Gough	65.5	E	76.9	E	>80	F
3. Grove/Gough	60.9	E	61.2	E	>80	F
4. Fell/Laguna	38.2	D	41.2	D	>80	F
5. Fell/Octavia	68.5	E	71.4	E	>80	F
6. Fulton/Octavia ²	9.5 (wb)	A	11.0(wb)	B	10.9 (wb)	B
7. Grove/Laguna ²	16.5 (sb)	C	19.0 (sb)	C	23.0 (sb)	C
8. Grove/Octavia ²	10.0 (wb)	A	11.3 (wb)	B	11.3 (wb)	B

Notes:

¹ Delay presented in seconds per vehicle.

² Intersection STOP-controlled. Delay and LOS presented for worst approach, indicated in parentheses “()”.

Source: LCW Consulting, July 27, 2009.

As shown in Table 2, project traffic would generate small increases in the average delay per vehicle at the study intersections. The three intersections of Fulton/Gough, Grove/Gough, and Fell/Octavia would continue to operate at LOS E conditions, while the remaining five study intersections would operate at LOS D or better conditions.

For the intersections of Fulton/Gough, Grove/Gough and Fell/Octavia, which would continue to operate at LOS E conditions with the addition of project-generated vehicle trips, the project contribution to intersection traffic volumes was examined to determine if project trips would travel through the approaches that operate poorly, and to determine the contribution with respect to total trips at the

approaches that operate poorly (see Figure 10, page 45, to view volumes of traffic at each approach under the Existing-Plus-Project scenario).

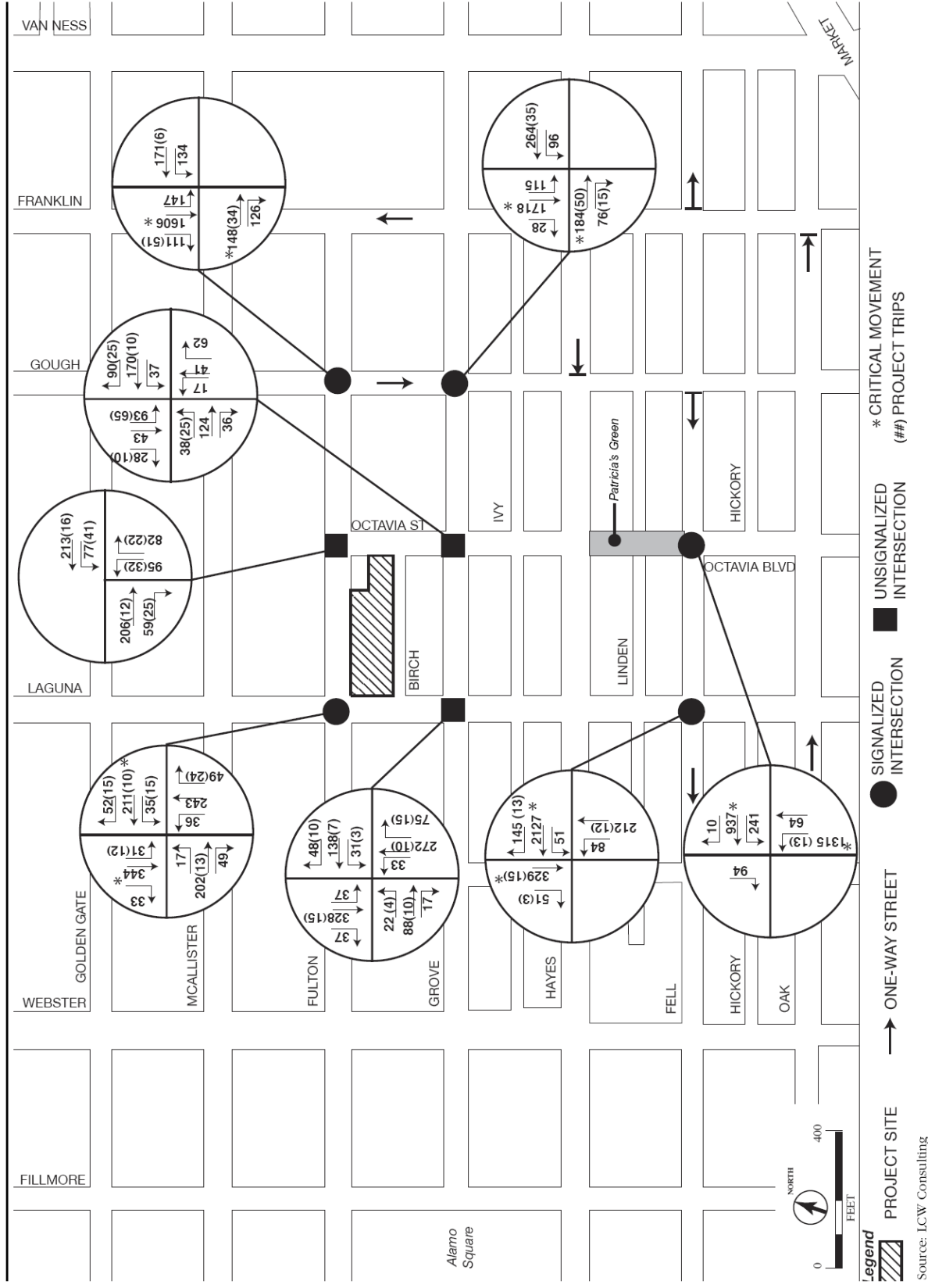
- At the study intersection of Fulton/Gough, which currently operates at LOS E during the p.m. peak hour, the proposed project would add a total of 74 vehicles during the p.m. peak hour. The project contribution to the southbound movement that operates poorly during the p.m. peak hour would be 43 vehicles (2.3 percent of total southbound approach volumes). This contribution to the existing LOS E conditions would not be considered significant.
- At the study intersection of Grove/Gough, which currently operates at LOS E during the p.m. peak hour, the proposed project would add a total of 42 vehicles during the p.m. peak hour. The project would not contribute to the southbound movement that operates poorly. The project contribution to the overall intersection LOS E conditions would therefore not be considered significant.
- At the study intersection of Fell/Octavia, which currently operates at LOS E during the p.m. peak hour, the proposed project would add a total of 11 vehicles to the northbound movement that operates poorly during the p.m. peak hour (0.8 percent of total northbound approach volumes). This contribution to the LOS E conditions would not be considered significant.

Of these three intersections, project contributions would be a small share of intersection congestion and would not be considered significant under Existing-Plus-Project conditions.

Cumulative 2025 Conditions. Cumulative conditions in the project vicinity for the year 2025 were examined in the transportation study. These conditions were based on growth rates used in the San Francisco County Transportation Authority model. As shown in Table 2 for 2025 cumulative conditions, (page 39), under 2025 Cumulative conditions vehicle delays would increase at the study intersections over existing conditions. Four of the eight study intersections would operate at LOS D or better, and the intersections of Fulton/Gough, Grove/Gough, Fell/Laguna and Fell/Octavia would operate at LOS F.

To assess the effect of the vehicle-trips generated by the proposed project on 2025 cumulative conditions, the contribution of the proposed project to the 2025 cumulative traffic volumes was determined. Two different percent contributions were calculated: the project-generated traffic as a percent of total 2025 cumulative traffic volumes, and the project-generated traffic as a percent of only the increase in traffic volumes between existing and 2025 Cumulative conditions.

The percent contributions at the six study intersections are presented in Table 3, page 46. As Table 3 indicates, the proposed project would contribute between 0.4 and 13.6 percent to 2025 cumulative traffic volumes. The contribution to the growth in traffic volumes between existing and 2025 cumulative conditions would be between 3.3 and 68.9 percent. The greatest growth would be at the intersections adjacent to the project block (i.e., Fulton/Laguna, Fulton/Octavia, Grove/Laguna, and Grove/Octavia-



Existing Plus Project Traffic Volumes—Weekday PM Peak Hour Figure 10

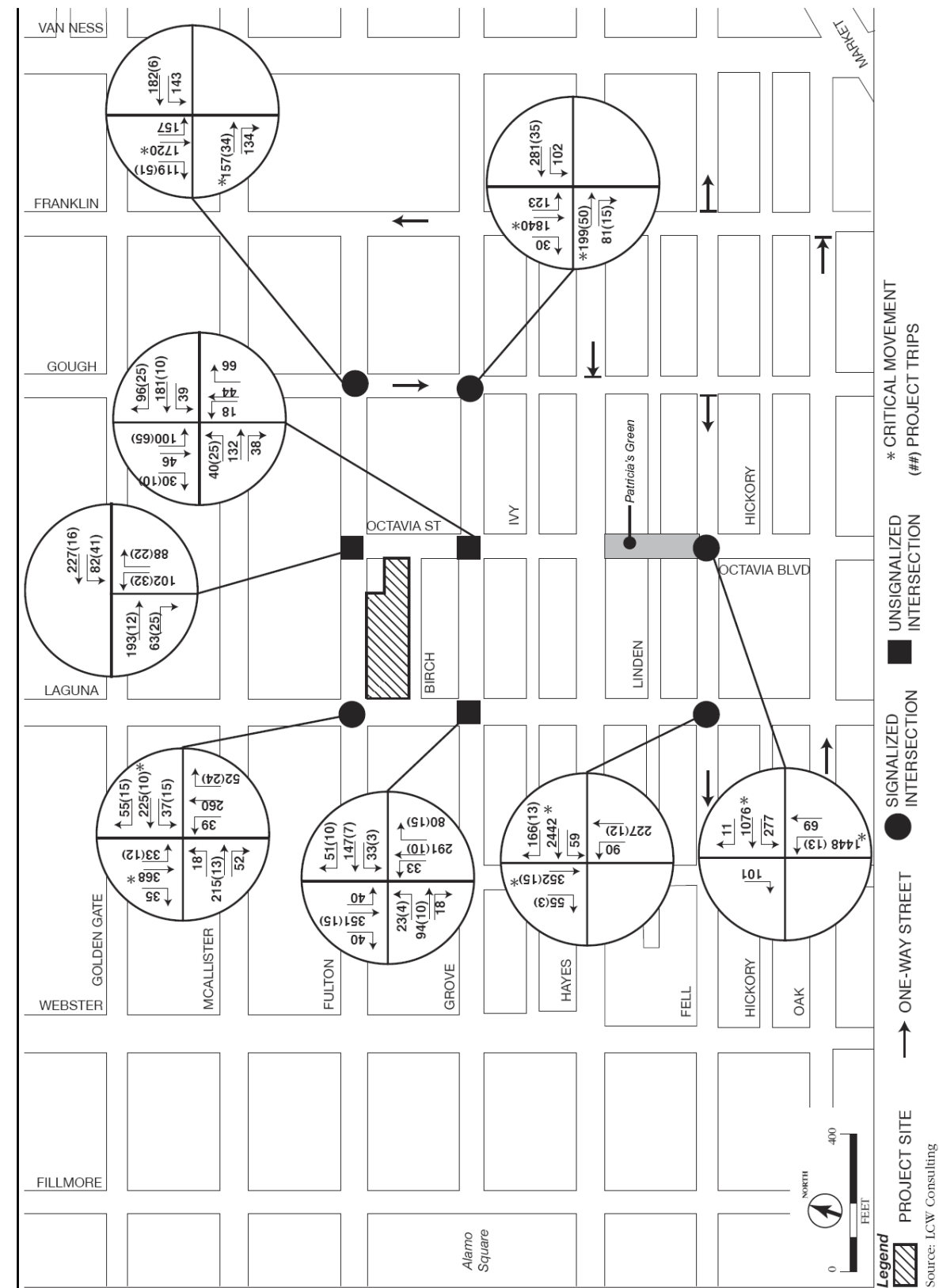
which would continue to operate at LOS D or better), as existing volumes are relatively low during the p.m. peak hour.

For the four intersections that would have significant 2025 cumulative impacts (i.e., intersection operating at LOS E or F conditions) the project contribution to intersection traffic volumes was examined to determine if project trips would travel through the approaches that operate poorly, and to determine the contribution with respect to total trips at the approaches that operate poorly (see Figure 11, page 47, for volumes of traffic at each approach under the 2025 cumulative scenario).

Intersection	Existing Volume	Net Project Volume	2025 Cumulative Volume	Contribution to Total 2025 Cumulative Volume	Contribution To Growth in Volumes
1. Fulton/Laguna	1,213	89	1,390	6.4%	50.1%
2. Fulton/Gough	2,352	91	2,612	3.5%	34.9%
3. Grove/Gough	2,384	100	2,656	3.8%	36.8%
4. Fell/Laguna	2,956	43	3,391	1.3%	9.9%
5. Fell/Octavia	2,648	13	2,981	0.4%	3.9%
6. Fulton/Octavia	584	148	780	19.0%	75.5%
7. Grove/Laguna	1,050	74	1,201	6.2%	48.9%
8. Grove/Octavia	644	135	831	16.2%	72.3%

Source: LCW Consulting, July 27, 2009

- At the study intersection of Fulton/Gough, which would operate at LOS F during the PM peak hour cumulative conditions, the proposed project would add a total of 74 vehicles during the PM peak hour. The project contribution to the southbound movement that would operate poorly during the PM peak hour would be 43 vehicles (2.2 percent of total southbound approach volumes). This contribution to the 2025 cumulative impacts would not be considered significant.
- At the study intersection of Grove/Gough, which would operate at LOS F during the PM peak hour cumulative conditions, the proposed project would add a total of 42 vehicles during the PM peak hour. The project would not contribute to the southbound movement that would operate



2025 Cumulative Traffic Volumes—Weekday PM Peak Hour Figure 11

poorly. The project contribution to the 2025 cumulative impacts would not be considered significant.

- At the study intersection of Fell/Laguna, which would operate at LOS F during the PM peak hour cumulative conditions, the proposed project would add a total of 46 vehicles during the PM peak hour. The project contribution to movements that would operate poorly during the PM peak hour would be 21 vehicles to the southbound approach (2.2 percent of total southbound approach volumes) and 11 vehicles to the westbound approach (0.4 percent of total westbound approach volumes). These contributions to the 2025 cumulative impacts would not be considered significant.
- At the study intersection of Fell/Octavia, which would operate at LOS F during the PM peak hour cumulative conditions, the proposed project would add a total of 11 vehicles to the northbound movement that would operate poorly during the PM peak hour (0.7 percent of total northbound approach volumes). Under 2025 cumulative conditions the westbound approach would also operate at LOS F conditions, however, the proposed project would not contribute to the westbound movement. The project contribution to the 2025 cumulative impacts would not be considered significant.

Transit. The San Francisco Municipal Railway (Muni) provides local transit service with a variety of bus, light rail, and historic streetcar lines. The 5-Fulton and 21-Hayes bus lines provide east-west service, while the 22-Fillmore, 47-Van Ness, and 49-Van Ness-Mission provide north-south service. The nearest bus stops are approximately one to four blocks from the project site at the following intersections:

- 5-Fulton, McAllister/Laguna and McAllister/Gough (one block);
- 21-Hayes, Laguna/Grove and Laguna/Hayes (one and two blocks, respectively);
- 22-Fillmore, Fillmore/McAllister (four blocks); and
- 47-Van Ness and 49 Van Ness-Mission, Van Ness/McAllister (four blocks).

In December 2009, the MTA initiated a series of service cuts aimed at addressing budget shortfalls. As a result, some transit services were modified or curtailed, while in some instances lines were eliminated altogether. Regarding the 5-Fulton, frequencies increased during peak-periods. On the 21-Hayes line, the segment between 6th Avenue and Stanyan Street was eliminated in addition to reductions in service hours. No changes were implemented on the 22-Fillmore line. On the 47-Van Ness service was reduced during nighttime hours.¹⁸

The Van Ness Avenue Muni Metro station is located 0.60 miles southeast of the project site. The Civic Center BART/Muni Metro station is located 0.65 miles southeast of the project site (accessed via the 21-Hayes), the Caltrain terminal is located approximately 2.0 miles southeast of the project site (accessed via

¹⁸ This information is available for review at <http://www.sfmta.com/cms/m1209/dec09service.htm#R27>, accessed February 3, 2010.

the 47-Van Ness), and the Transbay Terminal is located approximately 2.0 miles northeast of the project site (accessed via the 21-Hayes).

Regional transit resources include BART, Caltrain, SamTrans, Golden Gate Transit (bus & ferry), AC Transit (bus), and other ferry service. Service to and from the East Bay is provided by BART along Market Street and AC Transit buses from the Transbay Terminal. Service to and from the North Bay is provided by Golden Gate Transit along Van Ness Avenue and at the Transbay Terminal, and ferry service from the Ferry Building. Caltrain provides service to and from the Peninsula and South Bay from its terminal located at Fourth and Townsend Streets, and the San Mateo County Transit District (SamTrans) serves the Peninsula from the Transbay Terminal.

The estimated 129 p.m. peak-hour project transit trips would be distributed among the five local public transit lines in the inbound and outbound directions serving the vicinity of the project site. Muni's established capacity utilization standard for peak period operations is 85 percent. During the weekday p.m. peak hour, the 47-Van Ness (inbound) and the 49-Van Ness-Mission (outbound) operate at a capacity utilization greater than 85 percent (100 percent and 94 percent, respectively).¹⁹ With the numerous Muni lines operating in the vicinity of the project, it is anticipated that most Muni riders traveling to and from the project site would use the closest and least-crowded lines, and that riders would be distributed over a number of lines. Since most of the lines in the vicinity of the project site operate at less than capacity during the weekday p.m. peak hour, the increase in transit demand associated with the proposed project, distributed in both the inbound and outbound direction of travel over the five lines serving the project site, would not have a significant or noticeable impact upon transit services in the project area or affect transit operations.

Given that project-generated transit trips would be accommodated by existing transit service, no cumulative impact would occur. The less-than-significant impacts would be localized in the proposed project vicinity and would not affect surrounding areas. Thus, cumulative impacts to transit would not occur.

f. Parking. Currently, parking is permitted on both sides of Fulton, Octavia, and Laguna Streets, and on the south side of Birch Street, with certain times designated for street cleaning. There are approximately 1,350 on-street parking spaces within the parking study area bound by Golden Gate Avenue, Franklin Street, Hayes Street, and Webster Street. During the weekday evening period (6:30 to 7:30 p.m.), on-street

¹⁹ Ibid.

parking can be characterized as near or at capacity at about 91 percent occupied. On evenings when multiple events occur at the nearby cultural facilities, on street parking occupancy increases and parking becomes difficult. During the weekday midday period (1:30 p.m. to 3:30 p.m.), on-street parking is generally available because of the turnover in parking spaces from the two-hour Residential Permit Parking regulations in the surrounding area bounded by Geary Boulevard to the north, Franklin Street to the east, Hayes Street to the south and Webster Street to the west, and the short-term metered spaces along Hayes, Gough, and Franklin Streets.

Five public parking facilities within the study area contain about 200 off-street parking spaces. The Performing Arts Garages contain 620 off-street spaces. Off-street overnight parking service is not available at these facilities.

The proposed project would provide 195 parking spaces in two below-grade levels. Of the total, 102 spaces would be for the residential uses and 91 spaces would be for grocery store use, of which 7 handicapped-accessible spaces would be located on the first below-grade parking level. In addition, there would be two car-share spaces.

Section 151.1 of the *Planning Code* does not require any parking for any use in the NCT District. Up to .5 spaces per residential unit is permitted; up to .75 spaces per residential unit is allowed with conditional use authorization. The grocery store use allows up to one space for every 500 square feet of occupied floor area up to 20,000 square feet and, with Conditional Use authorization, up to one space for each 250 square feet over 20,000 square feet, for a total of 91 allowable spaces. The Planning Commission may consider granting Conditional use authorization for parking in excess of the base amounts permissible for this zoning district subject to the conditions of *Planning Code* Section 151.1(f). The proposed project would provide ~~102~~ 104 parking spaces for the residential uses and 91 spaces for the grocery store use, ~~and including up to 10 two~~ car share spaces, for a total of ~~195~~ 205 parking spaces. ~~The proposed project's 102 independently accessible residential spaces would comply with this maximum allowed by Conditional Use for residential parking spaces in the Market and Octavia Neighborhood Plan's NCT District. As proposed, the project's parking off-street parking supply would exceed the allowable amounts that could be provided with Conditional Use authorization. The sponsor has requested an exception to maximum parking amounts be considered through approval of the project's required Planned Unit Development. Additionally, the project would not provide mechanical stackers or lifts, valet or other space-efficient means of parking for spaces in excess of 0.5 spaces per unit as required under the Market and Octavia~~

Neighborhood Plan. The proposed project would meet the *Planning Code's* requirement for ~~two~~ three car-share parking spaces (Section 166).

The following is excerpted from the project's Conditional Use case report prepared by Planning Department staff: "The project sponsor has proposed a total of 205 off-street parking spaces (91 commercial spaces, 104 residential spaces, and 10 car share spaces), exceeding in total the maximum amount of parking that is permitted by Section 151.1. The sponsor has requested a modification of the parking limitations specified in Section 151.1 through the PUD process. This amount of off-street parking fails to meet the required Conditional Use Authorization criteria specified in Section 151.1 and contradicts multiple policies of the General Plan. Therefore, this specific modification is not granted. A condition has been added to this motion that would limit the number of commercial parking spaces to a maximum of 77, the number of residential parking spaces to 68 and the number of car share spaces to 3, such that the total amount of off-street parking does not exceed 148 spaces."²⁰

The new uses associated with the proposed project would generate a long-term residential parking demand for 172 residential spaces and a short-term and long-term demand for 133 retail spaces on weekdays and 152 retail spaces on Saturdays. Residential parking demand would be approximately 138 spaces during the midday.

The midday shortfall between the demand for parking and the 195 spaces the proposed project would provide would be 112 vehicles on weekdays and 131 vehicles on Saturdays. Should the Planning Commission decide not to grant the requested Conditional Use authorization for accessory parking, the midday shortfall would be 171 vehicles on weekdays and 190 vehicles on Saturdays, as shown in Table 4 on the following page. In response, drivers could park on street in the area, or switch to transit, carpool, bicycle, or other forms of travel. On-street parking is generally available during the midday, but much scarcer during the evening when local traffic would increase as drivers circle the neighborhood seeking parking. Project residents would be eligible to receive Residential Permit Parking area or "R" permits.

The long-term overnight residential parking demand would be 172 spaces and the shortfall would be 70 spaces compared to the proposed project's supply of 102 parking spaces. The grocery store component of

²⁰ Executive Summary, Planned Unit Development, Case No. 2005.1085C, prepared by Kevin Guy, San Francisco Planning Department, April 30, 2010. This document is available for review in the above-referenced case file at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

the parking garage²¹ could accommodate this overnight shortfall because the grocery store would have minimal overnight demand for parking.

Table 4				
<u>Parking Supply and Demand Comparison</u>				
<u>Weekday and Saturday Conditions</u>				
Land Use	Principally Permitted Supply	Conditionally Permitted Supply	Demand	Demand (Shortfalls) vis-à-vis supply*
Weekday				
Residential	68	102	172	(104) / (70)
Grocery store	66	91	133	(67) / (42)
Total	134	193	305	(171) / (112)
Saturday				
Residential	68	102	172	(104) / (70)
Grocery store	66	91	152	(86) / (61)
Total	134	193	324	(190) / (131)

If the Planning Commission were to grant the amount of parking recommended by Planning staff (148 spaces), the off-street parking short-fall relative to demand would be 157 spaces during the weekday and 176 spaces on Saturdays.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project’s social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines Section 15131 (a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but

²¹ To be located within the below-grade parking level with access from Octavia Street.

there may be secondary physical environmental impacts, such as increased traffic impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is not available. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the project site would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects. As such, the proposed project would have a less than significant impact on parking.

In addition, further reductions in parking demand may be achieved with **Improvement Measure I-TR-1**.

Improvement Measure I-TR-1—Parking. As an improvement measures to reduce the proposed project's residential parking demand and supply shortfalls, and to encourage use of alternative modes, the project sponsor could provide a transportation insert for the move-in packet that would provide information on transit service (Muni and BART lines, schedules and fares), information on where FastPasses could be purchased, and information on the 511 Regional Rideshare Program. It should be noted that the project sponsor would provide a car-share parking space and would "unbundle" the sale of parking spaces from the sale of residential units to provide a financial incentive for car-free living.

As an improvement measure to reduce the proposed project's residential parking shortfall during the overnight hours, residents could be permitted to park within the grocery store component of the garage.

As improvement measures to reduce the impact of the parking shortfall for the grocery store use, the following improvement measures have been identified:

- To ensure that parking spaces in the garage are available for shopping patrons, employees could be required to park off-site and encouraged to take transit. The grocery store operator could provide TransitChecks to employees to encourage use of transit.
- To reduce the number of employees that drive to work, the grocery store operator could recruit employees from the neighborhood.
- The website for the grocery store could include information on transit access to the project site.
- To ensure that patrons actively shopping at the grocery store are parking in the project garage, the garage could be monitored.
- To facilitate traffic flow within the garage and reduce potential for traffic queues spilling out onto Fulton or Octavia Street, an electronic “FULL” sign could be installed outside the project garage. The supermarket operator could be required to develop a plan to address overflow parking or queuing outside either the Fulton Street or Octavia Street entrances.
- In order to reduce the potential for pedestrian-vehicle conflicts, the project sponsor could install directional mirrors at garage entries so that drives would have a view of Fulton and Laguna Streets. Garage entries could also be outfitted with signage alerting drives to the presence of pedestrians, as well as a vehicle approach warning signal (buzzer or beeper) to alert pedestrians of cars exiting the garage.

Loading. The proposed project would provide one 60-foot off-street loading area that would accommodate one 60-foot truck. In addition, the project sponsor would request an 80-foot-wide, on-street commercial vehicle loading/unloading zone on Fulton Street adjacent to the on-site loading area. In combination with the elimination of the existing driveways, the proposed commercial vehicle loading/unloading zone would not be expected to result in a loss of on-street parking spaces. The proposed project’s loading area would meet the *Planning Code*’s requirement for one on-site loading space for the grocery store use and one space for the residential uses. The *Market-Octavia Plan* does not require off-street loading for either the residential or the grocery store uses in the Hayes Gough NCT District in which the project site is located.

The new residential and grocery store uses would generate about 26 truck, freight, and service vehicle trips per day and associated demand for four loading spaces during the peak hour of loading activities and three spaces during an average hour of loading activities. The two on-site loading spaces and the two curb spaces designated as short-term commercial vehicle loading/unloading spaces would accommodate this loading demand.

Grocery store deliveries would involve 20-, 40-, and 60-foot trucks and the 60-foot-long on-site loading area would fully accommodate them. Double-parking of vehicles adjacent to the project site on Fulton Street would block the bicycle route and may temporarily affect bicycle and traffic operations. Provision of commercial vehicle parking spaces adjacent to the project loading area would reduce the potential for double parking on Fulton Street. Residential move-in and move-out activities and deliveries are anticipated to occur primarily from the on-site loading area to the residential elevators through the service corridors. Moving and delivery activities would be scheduled and coordinated through building management. The proposed loading areas could accommodate moving trucks. Curb parking on Fulton Street would need to be reserved through the local station of the San Francisco Police Department.

In addition, **Improvement Measure I-TR-2** would further reduce loading conflicts.

Improvement Measure I-TR-2—Loading. As an improvement measure to reduce the potential for delivery vehicles to double-park on Fulton Street, an on-site loading dock manager could be hired for the grocery store use to manage the delivery demand, provide assistance for truck maneuvers into and out of the on-site loading area, schedule deliveries by 60 foot trucks and reserve the proposed on-street loading zone for larger vehicles (through the use of cones), and coordinate trash collection activities.

Additionally, the curb on Fulton Street to the west of the proposed on-site loading area could be designated as short-term commercial vehicle loading/unloading spaces, as proposed by the project sponsor. The designation of the two new spaces (about 80 linear feet) as commercial vehicle loading/unloading spaces would need to be approved by the Board of Supervisors at a public hearing through the MTA.

Pedestrian and Bicycle Conditions. Adjacent to the project site, the sidewalks are about 15 feet wide on Octavia and Laguna Streets, ten feet wide on Fulton Street, and seven feet wide on Birch Street. Pedestrian volumes were very low throughout the day during field surveys. Pedestrians move at normal walking speeds and with freedom to bypass other pedestrians without substantial pedestrian conflicts or safety issues. A number of bicyclists use the three Class III bicycle routes²² in the area (Route #20-McAllister, Route #45-Fillmore, Route #345-Webster), particularly along Fulton and Webster Streets,

²² The San Francisco MTA defines a Class III bicycle route as part of the bikeway network although no widening or other specific improvements other than signing have been or can be easily implemented to accommodate bicycles.

without substantial safety or right-of-way issues. The 2006 Bicycle Plan does not include bicycle facility improvements for streets near the project site.

The proposed project would add up to 392 pedestrian trips to the surrounding streets (including 129 transit and 263 walk/bicycle/other trips) during the weekday p.m. peak hour. Existing sidewalks and crosswalks adjacent to the project site could accommodate the new pedestrian trips without becoming congested because p.m. peak period pedestrian activity near the project site is currently low.

The *Planning Code* would require 47 bicycle parking spaces for the residential use and three bicycle parking spaces for the grocery use. The proposed project would meet the *Planning Code's* requirement (Section 155.5) with its 52 bicycle parking spaces for the residential and commercial uses to be located within the first level of the garage (as shown in Figure 7, page 8). The project site is within convenient bicycling distance of office and retail buildings in the Civic Center and downtown San Francisco. As a result, a portion of the 263 project-generated "walk/bicycle/other" trips would be expected to be bicycle trips. The increase in the bicycle trips would not be substantial enough to affect bicycle travel in the area. The proposed project's driveways on Fulton and Octavia Streets and loading areas would create the potential for conflicts between vehicles and bicyclists. However, the low existing vehicle and bicycle volumes on Fulton and Octavia Streets adjacent to the project site would be able to accommodate the increased trips without significant impacts arising.

Construction Impacts. Construction of the proposed project might temporarily affect traffic and parking conditions near the project site. During the estimated 20-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. Truck movements during periods of peak traffic flow would have greater potential to create conflicts with traffic and transit operations than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks. Construction-period traffic impacts resulting from the proposed project are considered short term and would be less than significant. However, limiting construction-related truck traffic during peak periods would lessen construction period impacts (see **Improvement Measure I-TR-3** below).

Construction staging would occur primarily on-site, and on the sidewalks adjacent to the project site. The project sponsor does not anticipate closure of traffic lanes on Fulton, Octavia, Birch, or Laguna Streets during construction, but would request temporary closure of sidewalks and/or parking lanes abutting the project if they were needed. It is anticipated that sidewalks adjacent to the project site would need to be

completely closed on Birch Street, and partially closed on Fulton, Laguna and Octavia Streets for different periods during construction. If necessary, pedestrians would be rerouted to the street with the temporary elimination of on-street parking. Pedestrians on Birch Street would be directed to use the sidewalk on the south side of the street. Temporary closures of any traffic lane, parking lane or sidewalk would require review and approval by the Department of Public Works (DPW) and the City's Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). There are no bus stops adjacent to the project site, but if it were determined that project construction would require temporary relocation of nearby Muni bus stops, the relocations would be coordinated with Muni's Street Operations/Special Events office.

Throughout the construction period, there would be a flow of construction-related trucks into and out of the site. The impact of construction truck traffic would be a temporary lessening of the capacities of local streets due to the slower movement and larger turning radii of trucks, which may affect traffic operations. There would be an average of five to eight construction truck trips per day, and about 10 daily trips during the excavation phase. Construction-related trucks would probably access Fulton Street adjacent to the project site from Franklin and Gough Streets. Trucks coming from southern San Francisco and the South Bay would most likely use the on-ramp and off-ramps at Market/Octavia, and travel on Octavia Boulevard, Fell or Oak Streets, and Laguna Street to Fulton Street.

There would be between five and 20 construction workers at the project site each day. It is anticipated that the addition of the worker-related vehicle- or transit-trips would not substantially affect transportation conditions, as any impacts on local intersections or the transit network would be similar to, or less than, those associated with the proposed project. Construction workers who drive to the project site would cause a temporary parking demand. The time-limited metered parking and residential parking restrictions near the project site limit legal all-day parking by construction personnel. Construction workers would either park on-site, depending on the construction phase (e.g., after the below-grade levels and base building structure is completed), or the contractor may arrange to provide construction worker parking at a nearby location.

If construction of the proposed project were to occur simultaneously with other projects in the area, disruptions to traffic and transit operations could potentially occur. To minimize impacts, the contractor and the project sponsor should work with the Department of Public Works, Department of Parking and Traffic, Muni, and the sponsors of the neighboring projects to coordinate construction schedules.

Based on the analysis above, construction of the proposed project would not create significant physical environmental effects on traffic and circulation. Implementation of **Improvement Measure I-TR-3** would further reduce the magnitude of construction-related less-than-significant impacts.

Improvement Measure I-TR-3—Construction. Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by DPT) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods.

The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project. The temporary parking demand by construction workers would be met on-site, on-street or within other off-street parking facilities.

For the reasons discussed above, the proposed project’s project-specific and cumulative transportation effects 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>
6. NOISE—Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<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>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan or within two miles of an airport, nor is it near a private airstrip; therefore, the Initial Study Checklist Topics 6e and 6f are not applicable.

a. – d., and g. Construction Noise. Demolition, excavation, and building construction would temporarily increase noise in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the project sponsor, the construction period would last approximately 20 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and receiver, and presence or absence of barriers. Impacts would generally be limited to the period during which new foundations and exterior structural and façade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*), amended in November 2008. 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. Impact tools (jackhammers, hoerammers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works or the Director of Building Inspection. Section 2908 of the Ordinance 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 Public Works or the Director of Building Inspection. The project must comply with regulations set forth in the Noise Ordinance.

The project sponsor anticipates using a mat foundation system and not driving foundation piles. As a result, the proposed project would not create unusual levels of ground-borne vibration that would disturb nearby residents or businesses, and vibration impacts would be less than significant.

The closest sensitive noise receptor to the project site that has the potential to be adversely affected by construction noise is the Kingdom of the Jehovah’s Witnesses, which provides child care, immediately adjacent to the project site. There are also residential buildings located near the project site including the

residents of the Freedom Homes residential complex to the north, as well as the other residential buildings that surround the property on Octavia, Birch, and Laguna Streets, that could be affected. Construction activities other than pile driving, which would not be employed in project construction, typically generate noise levels no greater than 90 dBA (for instance, for excavation) at 50 feet from the activity.²³

All construction activities would be required to comply with the San Francisco Noise Ordinance, as discussed above. The Department of Building Inspection (DBI) is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 decibels (dBA) at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Directors of the Department of Public Works (DPW) or DBI to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the property line of the site by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW or DBI authorizes a special permit for conducting the work during that period. Since the proposed project would be constructed to the lot lines of the adjacent day care facility and would site construction activities across Birch, Laguna, Octavia, and Fulton Streets from residential structures, construction activities would only be allowed between 7:00 a.m. and 8:00 p.m. Nonetheless, during the construction period for the proposed project, occupants of the adjacent daycare center and nearby residential properties could be impacted by construction noise. The project sponsor has agreed to implement **Mitigation Measure M-NOI-1**, below, which would reduce the impact of construction noise on nearby residents to a less-than-significant level.

Mitigation Measure M-NOI-1 – Noise (Construction Phase)

To reduce daytime noise impacts due to construction to the maximum feasible extent, the following measures shall be implemented in addition to all measures set forth in the Noise Ordinance:

²³ Because noise generally attenuates (decreases) at a rate of 6 to 7.5 dBA per doubling of distance, the exterior noise level at the nearby sensitive receptors, as listed above, would be no greater than about 75 dBA during the noisiest activities, and less during other aspects of construction. At this noise level, closed windows typically can reduce daytime interior noise levels to an acceptable level.

- At least 10 days prior to the start of construction, the project sponsor shall notify occupants of properties within 100 feet of the project site's lot line. Notification shall include an estimation of the duration of construction activities including anticipated start and completion dates and the daily construction times.
- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures shall be incorporated to the extent feasible.
- Ground clearing, excavation, foundation, building erection and exterior finishing activities shall be limited to Monday through Friday between the hours of 7:00 a.m. to 8:00 p.m. All other work occurring on Saturday and Sunday shall be limited to the hours of 9:00 a.m. to 6:00 p.m.

While potentially a nuisance to some nearby residents and workers, construction noise is considered an intermittent effect of the project, with noise levels fluctuating by construction phase. Given the temporary nature of the effect and that the project sponsor would be required to adhere to the Noise Ordinance and has agreed to implement the measures in M-NOI-1, construction noise impacts would be less than significant.

Noise Compatibility. The Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise.²⁴ These guidelines, which are similar to but differ somewhat from state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. For residential uses, the maximum "satisfactory" noise level without incorporating noise insulation into a project is 60 dBA (L_{dn}), while the guidelines indicate that residential development should be discouraged at noise levels

²⁴ City and County of San Francisco, Planning Department, *San Francisco General Plan*, Environmental Protection Element, Policy 11.1.

above 70 dBA (L_{dn}).^{25,26} Where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements will normally be necessary prior to final review and approval, and new construction or development of residential uses will require that noise insulation features included in the design. In addition, Title 24 of the *California Code of Regulations* establishes uniform noise insulation standards for residential projects. Based on modeling of traffic noise volumes conducted by the San Francisco Department of Public Health (DPH),²⁷ the traffic noise level in the project area vicinity is generally between 70 dBA and 75 dBA. Therefore, the proposed project would locate new residential units—considered to be “sensitive receptors”—in an environment with noise levels above those considered normally acceptable for residential uses, and the project sponsor would be required by the *San Francisco General Plan* and by Title 24 to incorporate noise insulation features in the project to maintain an interior noise level of 45 dBA. It is anticipated that, at a minimum, sound-rated windows and/or doors would be installed as part of the proposed project. The Department of Building Inspection would review project plans for compliance with Title 24 noise standards.

Compliance with Title 24 standards and with the *General Plan* would ensure that effects from exposure to ambient noise would not result in significant impacts, either individually or cumulatively.

Traffic Noise. Generally, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared for the project (see Topic 5, above), traffic volumes would not double on area streets as a result of the proposed project or expected cumulative traffic growth. Therefore, the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity, nor would the project contribute to any potential cumulative traffic noise effects.

Operational Noise. The project would include mechanical equipment that could produce operational noise, such as heating and ventilation systems. These operations would be subject to Section 2909 of the Noise Ordinance. As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level

²⁵ Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is “weighted” to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA).

²⁶ The guidelines are based on maintaining an interior noise level of interior noise standard of 45 dBA, L_{dn}, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

²⁷ Traffic noise map presented on DPH website: <http://www.sfdph.org/dph/EH/Noise/default.asp>.

at the property line: for noise generated by residential uses, the limit is 5 dBA in excess of ambient levels, while for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient levels and for noise on public property, including streets, the limit is 10 dBA in excess of ambient levels.²⁸ In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, noise effects related to building operation would not be significant, nor would the building contribute a considerable increment to any cumulative noise impacts from mechanical equipment.

In light of the above, noise-related effects of the project would be less than significant.

Cumulative Noise Impacts. Construction activities in the vicinity of the project site, such as excavation, grading or construction of other buildings in the area, would occur on a temporary and intermittent basis, similar to the project. Project construction-related noise would not substantially increase ambient noise levels at locations greater than a few hundred feet from the project site. As such, construction noise effects associated with the proposed project are not anticipated to combine with those of the proposed project at 205 Franklin Street, which is located about 0.4 miles southeast of the subject property. Based on information provided by the San Francisco Redevelopment Agency, construction of the residential building at 365 Fulton Street began in February 2010 and is scheduled for occupancy by July 2011.²⁹ Therefore, construction noise may combine with construction activities of the proposed project. Despite a possible overlap of construction activities, given that construction noise effects are temporary and intermittent, that all projects would be required to adhere to the City's Noise Ordinance, and that the project would implement **Mitigation Measure M-NOI-1**, the project's construction noise effects are not cumulatively considerable.

Localized traffic noise would increase in conjunction with foreseeable residential and commercial growth in the project vicinity, though because neither the proposed project nor the other known projects at 205 Franklin or 365 Fulton Streets would result in a doubling of traffic volumes, the project would not contribute considerably to cumulative traffic noise increases. Moreover, Title 24 noise insulation standards ensure that the proposed residential units would not be exposed to adverse future noise levels. Therefore, the proposed project would not result in cumulatively considerable noise impacts.

²⁸ Entertainment venues are also subject to a separate criterion for low-frequency (bass) noise.

²⁹ Personal conversation with Erin Carson, San Francisco Redevelopment Agency, February 8, 2010.

<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					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Federal Clean Air Act (CAA), as amended, and the California Clean Air Act (CCAA) legislation contain ambient air standards and related air quality reporting systems for regional regulatory agencies to develop mobile and stationary source control measures to meet the standards. The Bay Area Air Quality Management District (BAAQMD) is the primary responsible regulatory agency in the Bay Area for planning, implementing, and enforcing the federal and state ambient standards for criteria pollutants.³⁰ Criteria air pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ & PM_{2.5}) and lead.

The San Francisco Bay Area Air Basin encompasses many counties including San Francisco, Alameda, Contra Costa, Marin, San Mateo, Napa and parts of Solano and Sonoma Counties. The San Francisco Air Basin has a history of air quality violations for ozone, carbon monoxide, and particulate matter. The basin currently does not meet the State ambient air quality standards for ozone, PM₁₀, and PM_{2.5}. BAAQMD has adopted air quality management plans over the years to address control methods and strategies to meet air quality standards, the latest plans being the *Bay Area 2000 Clean Air Plan*, *2001 Ozone Attainment Plan*, and *2005 Bay Area Ozone Strategy*.

³⁰ State and federal air quality standards for and the Bay Area's attainment status are available on the BAAQMD website at <http://www.baaqmd.gov>.

a. – d. Emissions from Traffic. The BAAQMD has established thresholds for projects requiring its review for potential air quality impacts.³¹ These thresholds are based on minimum size projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. The BAAQMD generally does not recommend a detailed air quality analysis for residential projects with fewer than 320 single-family or 510 multi-family units, or projects that would generate fewer than 2,000 vehicle trips per day. The proposed project would construct 136 residential units and approximately 32,800 square feet of retail space, which would generate 3,704 daily vehicle trips, substantially fewer than the BAAQMD threshold of 510 multi-family units but higher than the minimum threshold of 2,000 daily vehicle trips.

Traffic related to the project would add vehicle-trips to area roadways that could cause existing non-project traffic to travel at slower, less pollution-efficient travel speeds. The potential for project-related traffic to cause localized CO violations near congested intersections was analyzed by an independent consultant,³² the results of which are summarized below.

Project-related traffic could lead to localized “hot spots” or areas with high concentrations of carbon monoxide concentrations around stagnation points such as major intersections and heavily traveled and congested roadways. To evaluate “hot spot” potential, a microscale impact analysis was conducted adjacent to four signalized intersections most impacted by project traffic. The analysis demonstrated that no exceedances would occur in the vicinity of the analyzed intersections. Therefore, the effect of the project on local carbon monoxide standards would be less than significant.

Carbon monoxide concentrations are projected to progressively decrease compared to existing conditions due to improvements in the automobile fleet, attrition of older, high polluting vehicles, and improved fuel mixtures. The independent consultant concluded that such reduction would offset any effects of increase in traffic due to cumulative development. Thus, project related and cumulative traffic would have a less than significant impact on local carbon monoxide concentrations.

Construction Emissions. Short-term exhaust emissions from construction equipment would be generated during project construction. The primary pollutants associated with exhaust emissions from construction equipment consist of ozone precursors (reactive organic compounds or ROG and nitrogen oxides or

³¹ See BAAQMD CEQA Guidelines, April 1996, Revised December 1999, page 25.

³² Donald Ballantii, Certified Consulting Meteorologist, Memorandum to Stu During, September 4, 2009. This document is available for public review at the Planning Department 1650 Mission Street, Suite 400, in Case No. 2005.1085E.

NO_x), PM₁₀ and PM_{2.5}. Exhaust emissions would also be generated from transporting excavated soils offsite. Thresholds of significance for pollutants generated from construction activities have not been established by the BAAQMD. Exhaust emissions generated from construction equipment would temporarily increase compared to existing conditions, a potentially significant impact.

This Initial Study has identified the following mitigation measure, which would reduce exhaust emissions to a less-than-significant level.

Mitigation Measure M-AQ-1—Short-term Construction Exhaust Emissions. To reduce project-related short-term exhaust emissions from construction equipment, the project sponsor and its contractors shall implement the following mitigation measures:

- Confine idle time of combustion engine construction equipment at construction sites to five minutes.
- Maintain and properly tune construction equipment in accordance with manufacture's specifications.
- Use alternative fueled or electrical construction equipment at the subject property when feasible.
- Use the minimum practical engine size for construction equipment.
- Equip gasoline-powered construction equipment with catalytic converters when feasible.

Construction Dust Abatement. Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. 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 Resources Board, reducing ambient particulate matter from 1998-2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

Dust can be an irritant causing watering eyes or irritation to the lungs, nose and throat. Demolition, excavation, grading and other construction activities can cause wind-blown dust to add to particulate matter in 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.

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as 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 (DBI).

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

The project sponsor and the contractor responsible for construction activities at the project site shall 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. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement. 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 materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

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

Site-specific Dust Control Plans shall require the project sponsor to: submit of a map to the Director of Public Health showing all sensitive receptors within 1000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third-party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and to sweep off adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

These regulations and procedures set forth by the San Francisco Building Code would ensure that potential dust-related air quality impacts would be reduced to a level of insignificance.

Operational Emissions. Project occupancy would result in a small amount of emissions from the use of electricity and natural gas for building heating, cooling, ventilation, and lighting. However, these stationary source emissions would be less-than-significant. The proposed project would not violate any BAAQMD ambient air quality standard or contribute substantially to an existing or projected air quality violation. For all of the reasons above, the proposed project would not generate significant operational air quality impacts.

e. Odors. The project would include residential and retail uses, neither of which is expected to generate substantial objectionable odors. The project would not expose sensitive receptors to objectionable odors. As such, significant odor impacts would not occur and this impact would be less-than-significant.

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in

general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth's atmosphere, also contributes to the retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.³³ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

The California Air Resources Board (ARB) estimated that in 2006 California produced 485 million gross metric tons of carbon dioxide-equivalent GHG emissions.³⁴ The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent.³⁵ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the

³³ California Air Resources Board (ARB), 2006a. Climate Change website (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>) accessed December 4, 2007.

³⁴ 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.

³⁵ California Energy Commission, Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 -Final Staff Report, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: <http://www.arb.ca.gov/ei/emissiondata.htm>.

single largest source of the Bay Area's GHG emissions, accounting for more than 40 percent of the Bay Area's 102.6 million tons of GHG emissions in 2007. Industrial and commercial sources were the second largest contributors of GHG emissions with about 34 percent of total emissions. Electricity production accounts for almost 15 percent of the Bay Area's GHG emissions, followed by domestic sources (e.g., home water heaters, furnaces, etc.) at 6.6 percent. Oil refining currently accounts for approximately 14 percent of the total Bay Area GHG emissions.³⁶

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.³⁷

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. On December 11, 2008, CARB approved a Scoping Plan to meet the 2020 GHG reduction limits outlined in AB 32. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from today's levels (2008). The Scoping Plan estimates a reduction of 174 million metric tons (about 191 million U.S. tons) of CO₂-equivalents (CO₂E). Approximately one-third of the emissions reductions strategies fall within the transportation sector and include the following: California Light-Duty Vehicle GHG standards, the Low Carbon Fuel Standard, Heavy-Duty Vehicle GHG emission reductions and energy efficiency, and medium and heavy-duty vehicle hybridization, high speed rail, and efficiency

³⁶ BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2005*, December 2008. Available on the internet at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Emission-Inventory-and-Air-Quality-Related/~media/A06B5C918A5F413B9DBE0B63AC2340E.ashx>.

³⁷ California Air Resources Board (CARB), *Climate Change Scoping Plan: A Framework for Change*, December 2008 Discussion Draft. Available on the internet at: <http://www.climatechange.ca.gov/index.php>. Accessed July 7, 2009.

improvements in goods movement. These measures are expected to reduce GHG emissions by 57.3 million metric tons (63 million U.S. tons) of CO₂E. Emissions from the electricity sector are expected to reduce another 49.7 million metric tons (55 million U.S. tons) of CO₂E. Reductions from the electricity sector include building and appliance energy efficiency and conservation, increased combined heat and power, solar water heating (AB 1470), the renewable energy portfolio standard (33 percent renewable energy by 2020), and the existing million solar roofs program. Other reductions are expected from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs. Regional GHG targets are also expected to yield a reduction of 5 million metric tons (5.5 million U.S. tons) of CO₂E.³⁸ Measures that could become effective during implementation pertain to construction-related equipment and building and appliance energy efficiency. Some proposed early action measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA). Applicable early action measures that are ultimately adopted will become effective during implementation of the proposed project and the proposed project could be subject to these requirements, depending on the project's timeline.

Local Actions. San Francisco has a history of environmental protection policies and programs aimed at improving the quality of life for San Francisco's residents and reducing impacts on the environment. The following plans, policies and legislation demonstrate San Francisco's continued commitment to environmental protection.

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy which added Section 16.102 to the City Charter with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy. The Sustainability Plan is divided into 15 topic areas, 10 that address specific environmental issues (air quality; biodiversity; energy, climate change and ozone depletion; food and agriculture; hazardous materials; human health; parks, open spaces, and streetscapes; solid waste;

³⁸ *Ibid.*

transportation; and water and wastewater), and five that are broader in scope and cover many issues (economy and economic development, environmental justice, municipal expenditures, public information and education, and risk management). Although the Sustainability Plan became official City policy in July 1997, the Board of Supervisors has not committed the City to perform all of the actions addressed in the plan. The Sustainability Plan serves as a blueprint, with many of its individual proposals requiring further development and public comment.

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions.³⁹ The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent GHG reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 Plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particulate matter (PM, or soot) than the buses they replace, they produce 40 percent less oxides of nitrogen (NOx), and they reduce GHGs by 30 percent.

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment Code, requiring all new municipal construction and major renovation projects to achieve LEED® Silver Certification from the US Green Building Council.

³⁹ San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions*, September 2004.

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 69 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City GHG emission targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings. The ordinance establishes the following GHG emission reduction limits for San Francisco and the target dates to achieve them:

- Determine 1990 City GHG emissions by 2008, the baseline level with reference to which target reductions are set;
- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The ordinance also specifies requirements for City departments to prepare departmental Climate Action Plans that assess, and report to the Department of the Environment, GHG emissions associated with their department's activities and activities regulated by them, and prepare recommendations to reduce emissions. As part of this, the San Francisco Planning Department is required to: (1) update and amend the City's applicable General Plan elements to include the emissions reduction limits set forth in this ordinance and policies to achieve those targets; (2) consider a project's impact on the City's GHG reduction limits specified in this ordinance as part of its review under CEQA; and (3) work with other City departments to enhance the "transit first" policy to encourage a shift to sustainable modes of transportation thereby reducing emissions and helping to achieve the targets set forth by this ordinance.

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched their "GoSolarSF" program to San Francisco's businesses and residents, offering incentives in the form of a rebate program that could pay for approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents.

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 square feet (sq. ft.), residential buildings over 75 feet in height, and renovations on buildings over 25,000 sq. ft. to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance includes reducing CO₂ emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and storm water by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by \$200 million, reducing automobile trips by 540,000, and increasing green power generation by 37,000 megawatt hours.⁴⁰

The Green Building Ordinance also continues San Francisco's efforts to reduce the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City's 2004 Climate Action Plan. In addition, by reducing San Francisco's emissions, this ordinance also furthers the State's efforts to reduce greenhouse gas emissions statewide as mandated by the California Global Warming Solutions Act of 2006.

The City has also passed ordinances to reduce waste from retail and commercial operations and to require recycling and composting in residential and commercial buildings. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags. Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, requires everyone in San Francisco to separate their refuse into recyclables, compostables, and trash.

The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold Certification.

The City's *Planning Code* reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning

⁴⁰ These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

that is supportive of high density mixed-use infill development. The City's more recent area plans, such as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve streetscape policies throughout the City, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options. The City also provides incentives to City employees to use alternative commute modes and the City recently introduced legislation that would require almost all employers to have comparable programs.

Each of the policies and ordinances discussed above include measures that would decrease the amount of GHGs emitted into the atmosphere and decrease San Francisco's overall contribution to climate change.

Impacts

Although neither the BAAQMD nor any other agency has adopted significance criteria for evaluating a project's contribution to climate change,⁴¹ the Governor's Office of Planning and Research (OPR) has asked the California Air Resources Board to "recommend a method for setting thresholds of significance to encourage consistency and uniformity in the CEQA analysis of GHG emissions" throughout the state because OPR has recognized that "the global nature of climate change warrants investigation of a statewide threshold for GHG emissions."⁴² In the interim, on June 19, 2008, OPR released a Technical Advisory for addressing climate change through CEQA review. OPR's technical advisory offers informal guidance on the steps that lead agencies should take to address climate changes in their CEQA documents, in the absence of statewide thresholds. Pursuant to Senate Bill 97, OPR has developed, and

⁴¹ As of January 2010, BAAQMD is preparing an update to its *CEQA Guidelines* that propose a significance test for GHG emissions based on compliance with a qualified Climate Action Plan or annual emissions of 1,100 metric tons or 4.6 metric tons per "service population" (residents plus employees). (BAAQMD, *California Environmental Quality Act (CEQA) Air Quality Guidelines*, draft, December 2009. Available on the internet at: http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Draft%20BAAQMD%20CEQA%20Guidelines_Dec%207%202009.ashx.) Reviewed January 7, 2010.

⁴² Governor's Office of Planning and Research. Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review. June 19, 2008. Available at the Office of Planning and Research's website at: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed January 22, 2010.

the California Resources Agency has adopted amendments to the CEQA Guidelines to incorporate analysis of effects of GHG emissions.⁴³

The Guidelines revisions include a new section (Sec. 15064.4) specifically addressing the significance of GHG emissions. Section 15064.4 calls for a “good-faith effort” to “describe, calculate or estimate” GHG emissions; Section 15064.4 further states that the significance of GHG impacts should include consideration of the extent to which the project would increase or reduce greenhouse gas emissions; exceed a locally applicable threshold of significance; and comply with “regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.” The revisions also state that a project may be found to have a less-than-significant impact if it complies with an adopted plan that includes specific measures to sufficiently reduce GHG emissions (Sec. 15064(h)(3)).

The revised Guidelines, however, do not require or recommend an analysis methodology or a test for determining significance. Therefore, the following analysis is based on OPR’s 2008 Technical Advisory, which recommends the following approach for analyzing GHG emissions:

- 1) Identify and quantify the project’s GHG emissions;
- 2) Assess the significance of the impact on climate change; and
- 3) If the impact is found to be significant, identify alternatives and/ or mitigation measures that would reduce the impact to a less-than-significant level.

The following analysis is based on OPR’s recommended approach for determining a project’s contribution to and impact on climate change.

Identifying and quantifying a project’s greenhouse gas emissions. OPR’s technical advisory states that “the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.” State law defines GHG to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project, however, the GHG calculation does include emissions from CO₂, N₂O, and CH₄, as recommended by OPR. The informal guidelines also advise that lead agencies should calculate, or estimate, emissions from vehicular traffic, energy consumption, water usage and

⁴³ The California Natural Resources Agency issued a final version of the revised CEQA Guidelines on December 30, 2009. The new Guidelines will not become effective until reviewed by the state Office of Administrative Law, which is anticipated to approve the revised Guidelines for incorporation by the Secretary of State into the California Code of Regulations in April 2010.

construction activities. The calculation presented below includes one-time construction emissions in terms of CO₂E⁴⁴, and annual CO₂E GHG emissions from increased vehicular traffic, energy consumption, as well as estimated GHG emissions from solid waste disposal. While San Francisco's population and businesses are expected to increase, overall projected water demand for San Francisco in 2030 is expected to decrease from current water demand due to improvements in plumbing code requirements and additional water conservation measures implemented by the San Francisco Public Utilities Commission (SFPUC).⁴⁵ Given the anticipated degree of water conservation, GHG emissions associated with the transport and treatment of water usage would similarly decrease through 2030, and therefore increased GHG emissions from water usage is not expected.

The proposed project would increase the activity onsite by adding 136 residential units and a 32,800-square-foot supermarket to a largely undeveloped site. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of traffic increases (mobile sources) and residential and commercial operations associated with heating, energy use, water usage and wastewater treatment, and solid waste disposal (area sources). Construction of the proposed project would emit 556 MTCO₂E.⁴⁶ Direct project emissions of carbon dioxide equivalents (CO₂E) (including CO₂, NO_x, and CH₄ emissions) include 4,482 MTCO₂E/year from transportation, and 282 MTCO₂E/year from heating, for a total of 4,764 MTCO₂E/year of project-emitted GHGs. The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 597 MTCO₂E/year), from anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 17

⁴⁴ Construction emissions of carbon dioxide (CO₂) were calculated based on URBEMIS 2007 9.2.4 software. Attachment 2 of the Office of Planning and Research's *Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review*, (June 19, 2008) lists and describes modeling tools used to calculate greenhouse gas emissions. URBEMIS is currently the only tool identified that has the capacity to calculate a project's CO₂ emissions from construction activities. It does not, however, calculate emissions from N₂O or CH₄, nor does any other modeling tool currently available. However emissions of these compounds would be a fraction of the total greenhouse gas emissions and therefore CO₂ is used as an indicator to estimate the construction-related emissions of the proposed project.

⁴⁵ The San Francisco Public Utilities Commission's (SFPUC) *City and County of San Francisco Retail Water Demands and Conservation Potential*, November 2004, documents the current and projected water demand given population and housing projections from Citywide Planning. This document is available at the SFPUC's website at: http://sfwater.org/detail.cfm/MC_ID/13/MSC_ID/165/C_ID/2281. Accessed July 28, 2008. The analysis provides projections of future (2030) water demand given anticipated water conservation measures from plumbing code changes, measures the SFPUC currently implements, and other measures the SFPUC anticipates on implementing. Conservation measures the SFPUC currently implements results in an overall reduction of 0.64 million gallons of water per day (mgd).

⁴⁶ Construction emissions and annual emissions are not intended to be additive as they occur at different points in the project's lifecycle. Construction emissions are one-time emissions that occur prior to building occupancy. Annual emissions are incurred only after construction of the proposed project and are expected to occur annually for the life of the project.

MTCO₂E/year), and from electricity used for water conveyance (approximately 10 MTCO₂E/year) for a GHG emissions total of approximately 4,879 MTCO₂E/year, which represents approximately 0.0620 percent of San Francisco's total GHGs emitted in 2007, and 0.00121 percent of the 2020 GHG emissions limit for California (in MMTCO₂E).

These calculations do not consider project emissions reductions that are anticipated through compliance with San Francisco's regulations or emissions reductions that could be accounted for based on location and mix of uses. The proposed project would be required to comply with the following San Francisco Ordinances pertinent to the discussion of greenhouse gas emissions:

1. Commuter Benefits Ordinance (Environment Code, Section 421). Requires all employers with at least 20 employees to provide one of the following commuter benefit programs: (1) a pre-tax election allowing employers to exclude from taxable wages and compensation employee commuting costs incurred from transit passes or vanpool, (2) an employer paid transit benefit, or (3) employer provided transit furnished at no cost to the employee.
2. Transit Impact Development Fee (Administrative Code, Chapter 38). The Transit Impact Development Fee would assess a fee of \$10.00/sf for the project's retail component.
3. Bicycle Parking Requirements (*Planning Code*, Sections 155.4 and 155.5). *Planning Code* requirements for bicycle parking in both the commercial and residential components of the proposed project would require the project to have at least 50 bicycle spaces; the proposed project would have 52 bicycle spaces.
4. Car Share Requirements (*Planning Code* Section 166). *Planning Code* requirements for carshare spaces requires the project to have at least ~~2~~ 3 carshare spaces.
5. San Francisco Green Building Ordinance (San Francisco Building Code, Chapter 13C). The San Francisco Green Building Ordinance (SFGBO) would require the proposed project to meet a specified level of green building. The proposed project would be subject, at a minimum, to the 2010 Green Building Requirements. The commercial and residential spaces would be required to comply with the requirements listed below. In addition, the project would be required to divert at least 75 percent of its construction and demolition debris from landfills through reuse and/or recycling. The SFGBO requirements are intended to achieve a minimum energy efficiency of 14-15 percent, as compared to Title 24 (2005).
 - a. Commercial requirements:
 - Achieve LEED® Silver certification
 - Reduce potable water use for landscaping by 50 percent (as compared to the National Energy Policy Act of 1992)
 - Reduce potable water use by 20 percent (as compared to the National Energy Policy Act of 1992)
 - Comply with the San Francisco Public Utility Commission's Stormwater Design Guidelines or LEED® Credits 6.1 and 6.2 for limiting impervious surfaces and water quality control.

- Enhanced Commissioning of the building's energy systems
- b. Residential requirements:
- Achieve LEED® Silver certification or 75 Green Points from the Green Point Rated System
 - Reduce potable water use for landscaping by 50 percent (as compared to the National Energy Policy Act of 1992)
 - Reduce potable water use by 20 percent (as compared to the National Energy Policy Act of 1992)
 - Comply with the San Francisco Public Utility Commission's Stormwater Design Guidelines or LEED® Credits 6.1 and 6.2 for limiting impervious surfaces and water quality control.
6. Commercial and Residential Water Conservation Ordinances (San Francisco Building Code Chapter 13A and Housing Code Chapter 12A). Requires the following minimum standards:
- All showerheads have a maximum flow of 2.5 gallons/min
 - No more than one showerhead per valve
 - All faucets must have a maximum flow rate of 2.2 gallons per minute
 - All water closets must have a maximum water consumption rate of 1.6 gallons per flush
 - All urinals must have a maximum flow rate of 1.0 gallons per flush
7. Mandatory Recycling and Composting Ordinance (Environment Code Chapter 19). Requires all persons in San Francisco to separate their reuse into recyclables, compostables, and trash.
8. Street Tree Planting Requirements (*Planning Code* Section 143). Requires new construction or significant alterations to plant one 20-inch box tree for every 20 feet of property street frontage.

Assessing the significance of the impact on climate change. The project's incremental increases in GHG emissions associated with construction, traffic increases and residential and commercial heating, electricity use, and solid waste disposal would contribute to regional and global increases in GHG emissions and associated climate change effects.

OPR encourages public agencies to adopt thresholds of significance, but notes that public agencies are not required to do so. Until a statewide threshold has been adopted, the Department analyzes a proposed project's contribution to climate change against the following significance criteria:

- 1) Does the project conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32 (California Global Warming Solutions Act of 2006), such that the project's GHG emissions would result in a substantial contribution to global climate change. **AND**

- 2) Does the proposed project conflict with San Francisco's Climate Action Plan such that it would impede implementation of the local greenhouse gas reduction goals established by San Francisco's Greenhouse Gas Reduction Ordinance.

The 2020 GHG emissions limit for California, as adopted by CARB in December of 2007 is approximately 427 MMTCO₂E. The proposed project's annual contribution would be 0.0013 percent of this total 2020 emissions limit, and therefore the proposed project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the proposed project conflict with San Francisco's local actions to reduce GHG emissions.

OPR's guidance states that, "Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project." And, "In determining whether a proposed project's emissions are cumulatively considerable, the lead agency must consider the impact of the project when viewed in connection with the effects of "past, current and probable future projects."

As discussed previously, San Francisco has been actively pursuing cleaner energy, transportation and solid waste policies. Probable future greenhouse gas reductions will be realized by implementation of the City's Green Building Ordinance. Additionally, the recommendations outlined in AB 32 *Scoping Plan* will likely realize many reductions in vehicular emissions. Further, the State of California Attorney General's office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.⁴⁷ The proposed project would meet the intent of many of the greenhouse gas reduction measures identified by the Attorney General's office: (1) as infill development, the project would be constructed in an urban area with good transit access, reducing vehicle trips and vehicle miles traveled, and therefore the project's transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth elsewhere in the Bay Area, where transit service is

⁴⁷ State of California, Department of Justice, "The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level." Updated December 9, 2008. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf. Accessed July 7, 2009.

generally less available than in the central city of San Francisco;⁴⁸ (2) as new construction, the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce future energy demand as well as reduce the project's contribution to cumulative regional GHG emissions; (3) the proposed project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring at least 65 percent of all construction and demolition material to be diverted from landfills; and (4) the proposed project would preserve the nine existing street trees on the Fulton Street sidewalk (in addition to planting new street trees per *Planning Code* requirements), regulating outdoor temperatures and aiding in carbon sequestration.⁴⁹

Given that: (1) the proposed project would not contribute significantly to global climate change such that it would impede the State's ability to meet its greenhouse gas reduction targets under AB 32, or impede San Francisco's ability to meet its greenhouse gas reduction targets under the Greenhouse Gas Reduction Ordinance; (2) San Francisco has implemented programs to reduce greenhouse gas emissions specific to new construction and renovations of residential and commercial developments; (3) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels, and (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change, the proposed project would not contribute significantly, either individually or cumulatively, to global climate change. For the reasons discussed above, the proposed project would not be considered to have a significant impact on cumulative greenhouse gas emissions in the Bay Area.

Toxic Air Contaminants. The California Air Resources Board (CARB) established its statewide comprehensive air toxics program in the early 1980s. CARB created California's program in response to the Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) to reduce exposure to air toxics. CARB identifies 244 substances as Toxic Air Contaminants (TACs) that are known or suspected to be emitted in California and have potential adverse health effects. Public health research consistently demonstrates that pollutant levels are significantly higher near freeways and busy roadway and human health studies demonstrate that children living within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result

⁴⁸ The California Air Pollution Control Officer's, *CEQA and Climate Change* (January 2008) white paper identifies infill development as yielding a "high" emissions reduction score (between 3-30 percent). This paper is available online at: <http://www.capcoa.org/CEQA/CAPCOA%20White%20Paper.pdf>. Accessed July 7, 2009.

⁴⁹ Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

from exposure to TACs. In 2005, CARB issued guidance on preventing roadway related air quality conflicts, suggesting localities “avoid siting new sensitive land uses within 500 feet of a freeway [or other] urban roads with volumes of more than 100,000 vehicles/day.”⁵⁰ However, there are no existing federal or State regulations to protect sensitive residential uses from roadway air pollutants.

The San Francisco Department of Public Health (DPH) has issued guidance for the identification and assessment of potential air quality hazards and methods for assessing the associated health risks.⁵¹ Consistent with CARB guidance, DPH has identified that a potential public health hazard for sensitive land uses exists when such uses are located within a 150-meter (approximately 500-foot) radius of any boundary of a project site that experiences 100,000 vehicles per day. To this end, San Francisco added Article 38 of the San Francisco Health Code, approved November 2008, which requires that, for new residential projects of 10 or more units located in proximity to high-traffic roadways, as mapped by DPH, an Air Quality Assessment be prepared to determine whether residents would be exposed to potentially unhealthy levels of PM_{2.5}. Through air quality modeling, an assessment is conducted to determine if the annual average concentration of PM_{2.5} from the roadway sources would exceed a concentration of 0.2 micrograms per cubic meter (annual average).⁵² If this standard is exceeded, the project sponsor must install a filtered air supply system with high-efficiency filters, designed to remove at least 80 percent of ambient PM_{2.5} from habitable areas of residential units.

The project site, at 555 Fulton Street is not located within 500 feet of roadways with traffic in excess of 100,000 vehicles per day. The major roadways within 500 feet of the project site, including Fulton,

⁵⁰ California Air Resources Board, *2005 Air Quality and Land Use Handbook: A Community Health Perspective*, <http://www.arb.ca.gov/ch/landuse.htm>, accessed September 8, 2008.

⁵¹ San Francisco Department of Public Health, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 6, 2008, http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AQLU_Conflicts.pdf, accessed September 8, 2008.

⁵² According to DPH, this threshold, or action level, of 0.2 micrograms per cubic meter represents about 8-10 percent of the range of ambient PM_{2.5} concentrations in San Francisco based on monitoring data, and is based on epidemiological research that indicated that such a concentration can result in an approximately 0.28 percent increase in non-injury mortality, or an increased mortality at a rate of approximately 20 “excess deaths” per year per one million population in San Francisco. “Excess deaths” (also referred to as premature mortality) refer to deaths that occur sooner than otherwise expected, absent the specific condition under evaluation; in this case, exposure to PM_{2.5}. (San Francisco Department of Public Health, Occupational and Environmental Health Section, Program on Health, Equity, and Sustainability, “Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008. Twenty excess deaths per million based on San Francisco’s non-injury, non-homicide, non-suicide mortality rate of approximately 714 per 100,000. Although San Francisco’s population is less than one million, the presentation of excess deaths is commonly given as a rate per million population.

Octavia, Laguna and Grove Streets, carry a total of approximately 40,870 vehicles/day.⁵³ Thus, the proposed project is not expected to result in a significant impact from exposure of sensitive receptors to TACs.

Cumulative Effects. The proposed project would be generally consistent with the *General Plan* and air quality management plans such as the Bay Area 2000 Clean Air Plan, and the Bay Area 2005 Ozone Strategy. Additionally, the *General Plan*, *Planning Code* and the City Charter implement various transportation control measures identified in the City’s Transit First Program, bicycle parking requirements, transit development fees and other actions. Accordingly, the proposed project would not contribute considerably to cumulative air quality impacts, including potential climate change impacts, nor would it interfere with implementation of the Bay Area 2005 Ozone Strategy or 2001 Ozone Attainment Plan, which are the applicable regional air quality plans developed to improve air quality towards attaining the State and federal air quality standards. As such, operational characteristics of the proposed project would not result in cumulatively considerable increases in regional air pollutants.

The proposed project would not conflict with applicable air quality plans, would not violate air quality standards or contribute substantially to existing or projected air quality violations, add a cumulatively considerable amount of criteria pollutants for which the area is in non-attainment, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors. Implementation of **Mitigation Measure M-AQ-1**, would ensure that construction-related emissions are 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. WIND AND SHADOW—Would the project:					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Wind. Generally, winds in San Francisco are off the Pacific Ocean from the west. Wind speeds are highest in the spring and summer and lowest in the fall. Wind speed varies daily, being strongest in the late afternoon and lightest in the morning.

⁵³ State of California, Environmental Health Investigations Branch, California Environmental Health Tracking Program Distance-Weighted Traffic Volume Tool, http://www.ehib.org/traffic_tool.jsp, accessed December 9, 2008.

A building's exposure, massing, and orientation affect nearby ground-level wind accelerations. Exposure is a measure of the degree to which a building extends above surrounding structures into the wind stream. A building surrounded by taller structures is unlikely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed. Massing affects how much wind the building intercepts and whether wind accelerations occur at ground level. In general, slab-shaped buildings have the greatest potential for wind acceleration and buildings with an unusual shape or setbacks have a lesser effect. Generally, the more complex the building is geometrically the less ground level wind acceleration. Building orientation also affects the amount of wind a structure intercepts and the corresponding extent of wind acceleration. Buildings with their wide axis across the prevailing wind direction will generally cause greater ground-level wind acceleration.

Wind sheltering generally limits the strength of wind accelerations that occur at ground level. The two- to three-story structures and street trees to the west and northwest of the proposed five-story building would provide some wind sheltering from the prevailing winds. The proposed building's exposure would be limited to being two- to three-stories taller than surrounding buildings. The proposed building would be oriented for lower wind acceleration with its long Fulton Street axis parallel to the westerly winds. For these reasons, it is unlikely that the proposed project would increase ground-level wind speeds above the city's wind hazard criterion and the proposed project would have a less-than-significant wind impact.

b. Shadow. Alamo Square Park is five blocks west of the project site, while the Hayes Valley playground, the Ella Hill Hutch Recreation Center, the Buchanan Street Mall (between Grove and Eddy Streets), the Hayward Playground, Jefferson Square, and Patricia's Green surround the project site within about a two- to three-block radius. These properties are all under jurisdiction of the Recreation and Parks Department.

San Francisco adopted Section 295 of the *Planning Code* in response to Proposition K (passed November 1984). When buildings or additions will be higher than 40 feet, Section 295 protects parks and recreation centers under the jurisdiction of the Recreation and Park Department, or properties the Department may acquire from new shadows. The protected period is from one hour after sunrise to one hour before sunset, year round, unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant.

The proposed project would be about 55 feet tall and subject to Section 295. The longest shadows generated by the project would not extend much more than a block east or west of the project site. The longest shadows would be added to the west in the mornings during the winter months and to the west in the winter afternoons. On winter mornings, its shadow would extend west towards Alamo Square, the Ella Hill Hutch Recreation Center, and the Buchanan Street Mall. However, intervening buildings and distance would prevent the project's shadow from reaching these properties.⁵⁴ The proposed project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are common and generally accepted in urban areas. As such, the proposed project would not adversely affect outdoor recreational facilities or other public areas. Thus, effects related to shading would be less than significant.

Cumulative Wind and Shadow Impacts. Overall, the proposed building would be oriented for lower wind acceleration with its short Laguna Street axis and long Fulton Street axis parallel to the westerly winds. Other foreseeable projects in the vicinity, such as the proposed arts venue at 205 Franklin Street or supportive housing project at 365 Fulton Street would be required to be designed to reduce or avoid any exceedance of the wind hazard criterion (an hourly averaged wind speed of 26 mph). For these reasons, the proposed project would not increase ground-level wind speeds above the city's wind hazard criterion and the proposed project would have a less-than-significant wind impact.

The proposed project, in combination with the proposed performing art's venue at 205 Franklin Street and supportive housing project at 365 Fulton Street, could result in net new shadows in the vicinity. However, given the distance between the project site and other properties, the project would not result in cumulatively considerable new shading effects on public open spaces. Overall, the proposed project's wind and shadow impacts, both individually and cumulatively, 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>
9. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁵⁴ San Francisco Planning Department, Isolde Wilson for Lawrence B. Badiner, Zoning Administrator, 2005.1085K - Shadow Study, 555 Fulton Street (Block/Lot: 0794/015, 128), November 30, 2006. This letter is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case No. 2005.1085K.

<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) 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"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. – c. Parks and Recreation. In 1998, the City of San Francisco initiated the Great Parks for a Great City Assessment Project to determine the conditions of the park system, as well as to determine future needs. In August of 2004, the San Francisco Recreation and Park Department published a Recreation Assessment Report (Report) that evaluates the recreational needs of San Francisco residents.⁵⁵ Nine service area maps were developed for the report. The service area maps were intended to help Recreation and Park Department staff and key leadership assess where services are offered, how equitable the service delivery is across the City, and how effective the service is as it applies to participating levels overlaid against the demographics of where the service is provided.

Recreational facilities in the vicinity of the project site include Alamo Square park five blocks west of the project site, and the Hayes Valley playground, the Ella Hill Hutch Recreation Center, the Buchanan Street Mall (between Grove and Eddy Streets), the Hayward Playground and Jefferson Square, and Patricia’s Green within about a three-block radius of the project site. The addition of about ~~221,228~~ projected residents from the project would incrementally increase the demand for park and recreation services and facilities in the area, but not in excess of the amounts provided for in the project vicinity. Residents are anticipated to use nearby parks. Based on overall current use of parks in the vicinity, the existing parks could accommodate the demand generated by the proposed project, and no associated degradation of these spaces would occur.

Additionally, the proposed project would not require the construction or expansion of off-site recreational facilities that might have an adverse physical effect on the environment. The proposed project would provide about ~~11,452~~ 10,294 square feet of common open space onsite for residents of the project in the form of a roof deck. This onsite open space would also offset some of the project’s recreational and open space demands. Therefore, the proposed project would have a less-than-significant recreational resource impact.

⁵⁵ San Francisco Recreation and Park Department, *Recreation Assessment Report*, August 2004. Accessed at http://www.parks.sfgov.org/site/recpark_index.asp?id=27310 on December 9, 2008.

Cumulative Recreation Facility Impacts. Recreational facility use in the project area would also likely increase with development of other projects in the vicinity. The Market and Octavia Neighborhood Plan EIR states the population within the Neighborhood Plan Area is expected to increase by 7,620 residents by 2025, a part of which would be generated by the proposed project. This cumulative increase in population would result in increased residential demand for parks and open spaces in and immediately adjacent to the Plan Area in which the project is located. The Market-Octavia EIR determined that the proposed build-out for this area would result in a less-than-significant impact on parks and recreation facilities.⁵⁶ As the proposed project would neither increase use of nearby facilities such that physical degradation would occur nor require the construction of new facilities, its impact on recreational facilities would not be considerable.

<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. UTILITIES AND SERVICE SYSTEMS—Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is within an urban area that is served by utility service systems, including water, wastewater and storm water collection and treatment, and solid waste collection and disposal. The

⁵⁶ San Francisco Planning Department, *Market and Octavia Neighborhood Plan: Final Environmental Impact Report*, April 5, 2007, page 4-334. This document is available online at http://www.sfgov.org/site/planning_index.asp?id=25191, accessed October 7, 2009.

proposed project would increase demand for and use of utilities, but not in excess of amounts expected and provided for in this area.

a. – c. Wastewater / Stormwater. The project site is served by San Francisco’s combined sewer system that handles both sewage and stormwater runoff. The Southeast Water Pollution Control Plant (Southeast Plant) provides wastewater and stormwater treatment and management for the east side of the City, including the project site. Serving the proposed project would not require major new sewer or stormwater facilities or related construction. The proposed project would meet the wastewater pre-treatment requirements of the San Francisco Public Utilities Commission, as required by the San Francisco Industrial Waste Ordinance in order to meet Regional Water Quality Control Board requirements.⁵⁷ The proposed project would not significantly increase the total wastewater volume, which includes stormwater runoff discharged by the project site, particularly since impervious surfaces now completely cover the project site. The proposed project would not substantially increase demand for wastewater treatment and would not have a significant wastewater service impact.

d. and e. Water Supply. The proposed project’s additional 136 residential units and 32,800 square feet of commercial space would result in an estimated demand of ~~7,314~~ gallons of water per day in total.⁵⁸ Although the proposed project would incrementally increase the demand for water in San Francisco, the City’s water supply could accommodate the proposed project’s estimated increase in demand.⁵⁹ The proposed project design would specify water-conserving measures, such as low-flush toilets and urinals, as required by the *California State Building Code* Section 402.0(c). As discussed under the Air Quality topic, during project construction, the project sponsor and project building contractor must comply with Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, which requires the use of non-potable water for dust control activities. The projected water consumption would be an increment of the

⁵⁷ City and County of San Francisco, Ordinance No. 19-92, San Francisco Municipal Code (Public Works), Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

⁵⁸ Based on 62 gallons per day and 221 net new residents and 95 gallons per day per 1,000 square feet of retail space and 32,800 square feet of retail space, the proposed project would consume approximately 16,794 gallons of water per day. Current residential use in San Francisco is 62 gallons per capita per day (San Francisco Public Utility Commission, 2005 Urban Water Management Plan for the City and County of San Francisco (UWMP), December 2005, page 40). Non-residential water use is estimated at 95 gallons per day per 1,000 square feet of retail land use (San Francisco Planning Department, *Mission Bay Final EIR*, Table L.3: Mission Bay Project Total Daily Water Demand, p. L.9).

⁵⁹ San Francisco Public Utility Commission, 2005 Urban Water Management Plan (UWMP). The Plan uses the San Francisco Planning Department’s current long range growth projections – *Land Use Allocation 2002* – an estimate of total growth expected in the City and County of San Francisco from 2000 – 2025. These projections have similar employment growth and approximately 15,000 higher household growth than ABAG *Projections 2002*.

total increase in water use that the San Francisco Public Utilities Commission anticipates between 2005 and 2030 in its 2005 Urban Water Management Plan; thus, an adequate water supply would be available for the proposed project.⁶⁰ For these reasons, the proposed project would have less-than-significant project-specific and cumulative water supply impacts.

f. and g. Solid Waste.⁶¹ In 2005, San Francisco generated about 5,420 tons of solid waste daily and 1,978,748 tons annually. It sent 31 percent to landfills and diverted 69 percent. Through its expanding recycling and composting programs, the City increased its annual landfill diversion from less than 400,000 tons in 1995 to approximately 1.37 million tons in 2005. The amount of material San Francisco sent to landfills declined from 872,700 tons in 2000 to 664,000 tons in 2005. City-based collection companies truck approximately 82 percent of that material to the Altamont Landfill located 62 miles away in Alameda County, while the rest goes to other landfills in the region.

The San Francisco Board of Supervisors and Commission on the Environment set the City's landfill diversion goals at 75 percent by 2010 and zero waste by 2020 (Resolutions 679-02 and 002-03-COE). In order for the City to reach its 75 percent diversion goal, it must divert over 100,000 additional tons per year from the residential, commercial and City government sectors.

A substantial expansion of the Altamont landfill was approved in 1997, although San Francisco's current contract is projected to expire between 2012 and 2015. San Francisco has a long-term agreement with the Altamont Landfill allowing for 15 million tons of disposal. The City is developing a timeline and disposal options for San Francisco beyond the current agreement.⁶²

The solid waste associated with project construction and operation is an assumed part of the projected annual waste stream that San Francisco manages. It would not substantially affect the projected life of the Altamont Landfill or the City's current disposal agreement, and this impact would be less than

⁶⁰ The San Francisco Public Utility Commission's 2005 *Urban Water Management Plan* is based on the SF Planning Department's current long-range growth projections—*Land Use Allocation 2002*—an estimate of total growth expected in the City and County of San Francisco from 2000–2025. These projections have similar employment growth and approximately 15,000 higher household growth than ABAG Projections 2002.

⁶¹ Robert Haley, Zero Waste Manager, SF Environment, City and County of San Francisco, E-mail communication, December 6, 2007. Also, SF Environment Grant Program 2006-07, Environmental Justice and Zero Waste Grant Announcement, [www.sfgov.org/site/uploadedfiles/FINALEJandRecyclingRFP0607\(122106\).doc](http://www.sfgov.org/site/uploadedfiles/FINALEJandRecyclingRFP0607(122106).doc), viewed October 17, 2007. Also, "SF Achieves 69% Recycling," Press Release, April 25, 2007. Viewed on November 20, 2007: http://www.sfenvironment.org/our_sfenvironment/press_releases.html?topic=details&ni=151.

⁶² City and County of San Francisco. SF Environment. *Our City Programs—Landfill Alternatives*. http://www.sfenvironment.org/our_programs/interests.html?ssi=3&ti=7&ii=128, (accessed December 4, 2007).

significant. The size and types of the proposed project’s land uses would not be expected to breach published national, state, or local standards relating to solid waste or litter control.

Cumulative Utilities and Service Systems. No new water delivery or wastewater collection and treatment facilities would be required to serve the proposed project. Project solid waste would be recycled as feasible at the Norcal transfer station, with non-recyclables disposed of at the Altamont Landfill and at other locations for long-term disposal that the City will bring under contract. The proposed project would incrementally increase the demand for water, wastewater, and other utilities on-site, but not in excess of anticipated demand projected for the City of San Francisco. Cumulative development in the project area, including any future development that could occur in the vicinity of the proposed project, would incrementally increase demand on Citywide utilities and service systems. Given that the City’s existing service management plans address anticipated growth in the region, the project would not be expected to have a considerable effect on utility service provisions or facilities under future cumulative conditions. Therefore, the proposed project would result in a less-than-significant utilities and service systems effects, both individually or cumulatively.

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

The project site is located in an urban area where public services are currently available, such as fire, police, public schools, parks, libraries and other services. While the proposed project would increase the number of residents on the project site, and thereby increase demand for and use of local public services, it would not be considered in excess of amounts expected and provided for in this area.

a. Police and Fire Protection. The San Francisco Police Department (SFPD) and the San Francisco Fire Department (SFFD) serve the vicinity of the proposed project. The nearest police station is the Northern Station No. 5 at 1125 Fillmore (at Golden Gate Street) about six blocks from the project site to the northwest. The nearest fire stations are Station No. 5 at 1301 Turk Street five blocks northwest of the

project site and Station No. 21 at 1443 Grove Street ten blocks to the west. The proposed project would increase the demand for police and fire services to the project site. The police and fire departments monitor changing conditions, such as new development in their service areas, and they address associated staffing, equipment, and facility needs each year through the City's annual operating and capital budget process. Although the proposed project could increase the number of service calls received from the area because of the increased activity on site, the increase would not be substantial in light of the existing demand for police and fire protection services in the project area. As such, the proposed project would not require new or physically altered SFFD and SFPD facilities. Therefore, the proposed project would result in less-than-significant fire and police services impacts.

Schools. The Rosa Parks Elementary School at 1501 O'Farrell Street is seven blocks from the project site. The Marina Middle School at 3500 Fillmore Street is approximately 32 blocks north of the project site, while the Mission High Schools is 20 blocks south of the project site. Some of the new residents of the proposed 136-unit residential development may be families with school-age children. The 136 units would generate approximately 28 school-age children (K-12).⁶³ Similar to other citywide development, the proposed project would be assessed \$2.42 per gross-square-foot for the increase in residential space, approximately \$337,920 for the additional 139,637 square feet of residential development.⁶⁴ The proposed project's residential units would not substantially increase demand for school facilities in San Francisco, would not require construction of new or modified facilities and as such, would not result in a significant impact on public services.

Cumulative Public Services Impacts. Cumulative development in the project area, including any future development, would incrementally increase demand for public services, but not beyond levels anticipated and planned for by public service providers.⁶⁵ Thus, the project's impacts to public services, both individually and cumulatively, would be less than significant.

⁶³ The San Francisco Unified School District (SFUSD) uses a student generation rate of 0.203 students per new housing unit to reflect concentrated urban conditions of San Francisco. See discussion in the *Eastern Neighborhoods Rezoning and Community Plans Initial Study*, page 42 (Case No. 2004.0160E, December 15, 2005). The *Eastern Neighborhoods Rezoning and Community Plans Initial Study* is available for review at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, in Case No. 2004.0160E

⁶⁴ Approximately 139,637 square feet of residential space (see Table 1).

⁶⁵ *Market and Octavia Neighborhood Plan EIR*, p. 4-343. This document is available for review at the Planning Department in Case File No. 2003.047E.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
12. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. – f. The project site is within a developed urban area and impervious surfaces completely cover it. Accordingly, the project site does not provide habitat for any rare or endangered plant or animal species and the proposed project would not affect or substantially diminish plant or animal habitats, including riparian or wetland habitat. The proposed project would not interfere with any resident or migratory species, or affect any rare, threatened, or endangered species. There are no adopted habitat conservation plans applicable to the project site. Therefore, Initial Study Checklist Items 12b, 12c, and 12f are not applicable.

The San Francisco Board of Supervisors recently adopted legislation that amended the City’s Urban Forestry Ordinance, Public Works Code Sections 8.02-8.11, to provide disclosure and protection of protected trees, including street trees, and to require a permit from the DPW to remove any protected trees.⁶⁶ Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. The project sponsor would not remove the nine existing street trees adjacent to the project site on Fulton Street,

⁶⁶ City and County of San Francisco, Board of Supervisors, Ordinance no. 17-06, amending *Public Works Code* Sections 801 et. seq.

commonly called Strawberry trees (*Arbutus unedo*), nor would the proposed project disturb the existing trees along the south side of Birch Street, west side of Laguna Street, or along Octavia Street, which are not directly adjacent to the project site. The proposed project would not conflict with the local tree preservation ordinance. Since the proposed project would not conflict with any local policies or ordinance protecting biological resources; not affect rare, threatened, or endangered species; not diminish habitat; and not remove mature and scenic trees, it would result in no impact to biological resources.

Based on the above information, the proposed project would not result in significant adverse impacts on biological resources.

Cumulative Biological Resources Impacts. Development in the project vicinity, including any future development, in combination with the proposed project development, would not be expected to cumulatively impact biological resources. Overall, the proposed project would not result in a cumulatively considerable effects 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>
13. GEOLOGY AND SOILS— Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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 wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<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>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project would connect to the City’s sewer and stormwater collection and treatment system, would not use a septic waste disposal system (Checklist Topic 13e), and would not substantially change the topography of the site. The project site does not have unique geologic or physical features (Checklist Topic 13f). The developed project site poses minimal erosion potential during construction and topsoil is not present. Therefore, Initial Study Checklist Items 13e and 13f are not applicable.

a. – d. Seismic and Geologic Hazards. A California-licensed geotechnical engineer prepared a geotechnical investigation for the proposed project, which is summarized below.⁶⁷ The investigation included five components: (1) a geotechnical reconnaissance of the property lot and surrounding vicinity; (2) a review of selected geotechnical data and published geologic maps of the vicinity; (3) excavation, logging, and sampling of four test borings to depths of 31.5 to 50 feet below the ground surface; (4) laboratory testing on selected samples of the earth materials recovered from the borings; and (5) engineering analyses and geotechnical interpretations to develop conclusions and recommendations related to the feasibility of constructing the five-story residential-retail building. The report includes findings regarding site, soil, geologic, and groundwater conditions. Conclusions addressed weak soils, settlement, and construction considerations; exposure to geologic hazards, including faulting, ground shaking, seismic densification, liquefaction, lateral spreading, and slope stability. Geotechnical recommendations for project design included site preparation and grading, foundations, retaining walls, slabs on grade, and geotechnical drainage. The study’s conclusions and recommendations are summarized below.

Site Conditions. The surface topography of the project site is relatively flat, sloping downwards to the northwest. Dune sand underlays the project site to a depth of about 100 feet. Based on the borings, the dune sand is generally clean, well sorted, fine to medium grain sand. Below the sand is older Pleistocene age, undivided surficial deposits. The borings encountered groundwater at a depth of 8 – 13 feet below the ground surface.

⁶⁷ Murray Engineers, Inc., op cit.

Seismically Induced Hazards. Based on its San Francisco location, it is likely that the project site would experience periodic minor earthquakes and potentially a major earthquake (moment magnitude [Mw] greater than 7.1 characteristic) on one or more of the nearby faults during the life of the proposed development. The project site is located approximately 7.5 miles east of the San Andreas Fault, 11 miles east of the San Gregorio North Fault, and 11 miles west of the northern Hayward Fault. The Working Group for California Earthquake Probabilities (WGCEP 2003) estimates a 62 percent probability of one or more large earthquakes of magnitude 6.7 or greater occurring on one of the major faults in the Bay Area by the year 2032.

The project site is not within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known fault or potentially active fault exists on the project site. In a seismically active area, such as the San Francisco Bay area, the possibility exists for future faulting in areas where no faults previously existed. The geotechnical report found no evidence of active faulting on the site and concluded that the risk of surface faulting is low. However, during an earthquake along any of the major faults mentioned above, the ground at the project site would experience very strong shaking. Strong shaking during an earthquake can result in ground failure associated with soil liquefaction, lateral spreading, and cyclic densification.

The Community Safety Element of the *General Plan* contains maps that indicate areas of the City where one or more geologic hazards exist. Maps 2 and 3 in the Community Safety Element of the *General Plan* show the intensity of ground shaking in San Francisco from two of the most probable earthquakes, one of magnitude 7.1 on the San Andreas Fault and one of magnitude 7.1 on the northern segment of the Hayward fault. The project site is in a Seismic Hazards Study Zone designated by the California Division of Mines and Geology as an area subject to “non-structural” damage from seismic groundshaking along the Peninsula segment of the San Andreas Fault and along the Northern segment of the Hayward fault, respectively. The project site is not in an area subject to landslide, seiche or tsunami run-up, or reservoir hazards (Maps 5, 6, and 7 in the Community Safety Element).⁶⁸

The project site does not lie within an area subject to liquefaction as mapped by the California Division of Mines and Geology for the City and County of San Francisco (CDMG, 2000; also Map 4 in the Community Safety Element of the *General Plan*). In addition, the soils encountered in the borings on the project site are not subject to liquefaction. Therefore, the potential for damage to the proposed project

⁶⁸ City and County of San Francisco, Community Safety Element, *San Francisco General Plan*, April 1997, Maps 2-6. http://www.sfgov.org/site/planning_index.asp?id=41420.

from liquefaction would be minimal. Because liquefaction of marginally stable soils underlying gentle slopes is most often the cause of lateral spreading or lurching, the risks from lateral spreading or lurching are low in light of the flat project site and the minimal liquefaction potential of underlying soils. The project site is not in an area subject to potential earthquake-induced land sliding (CDMG map, 2000 and Map 5, Community Safety Element of the *General Plan*).

Excavation. Construction of the proposed two-level subterranean parking garage would require excavation to a depth of approximately 20 feet and the removal of about 25,000 cubic yards of soil that would be trucked to an appropriate landfill following testing pursuant to City and State requirements. See Topic 15, Hazards and Hazardous Materials, page 102, for more information regarding disposal of the excavated material.

Geotechnical Recommendations. Based on the geotechnical investigation's conclusions and recommendations, the proposed project would be feasible from a geotechnical standpoint and primary geotechnical concerns are: (1) foundation improvements in competent earth materials;⁶⁹ (2) support of temporary slopes and adjacent improvements; and (3) seismic shaking and related effects during earthquakes summarized as follows.

- Due to the high water table, dewatering during construction would be necessary to control groundwater and the stability of excavated slopes. In the absence of permanent dewatering, the basement retaining walls should be designed to resist hydrostatic pressures and the basement slab foundation should be design to resist uplift pressures from buoyancy effects.⁷⁰
- Construct the two below-grade garage levels as a rigid box structure with a structural concrete slab supporting the upper level.
- Support the two below-grade garage levels and associated retaining walls on a mat slab foundation bearing on the underlying alluvium.
- Design the underground garage levels to resist uplift pressures from buoyancy of the groundwater located at about 6 feet below the existing grade.
- Support the two basement garage levels on a reinforced concrete mat slab foundation with a thickness of at least 12 inches bearing on the underlying alluvium. Reinforce the foundation with a grid of steel reinforcing bars. Waterproof the mat slab floor and retaining walls through an integrated water proofing system designed by a waterproofing consultant.
- Design the basement retaining walls to resist lateral earth pressure from the adjoining and natural soils, backfill, hydrostatic pressures, and surcharge loads. Un-drained portions of unrestrained retaining walls should be designed to resist and equivalent fluid pressure of 85

⁶⁹ Competent earth materials are any rock, natural soil, or any combination thereof capable of withstanding the loads or forces which are to be imposed upon them without failure or detrimental settlement as certified by the appropriate geotechnical consultant.

⁷⁰ Murray Engineers, Inc., op cit.

pounds per cubic foot plus one third of any anticipated surcharge loads. Drain portions of unrestrained retaining walls should be designed to resist an equivalent fluid pressure of 45 pounds per cubic foot plus one third of any anticipated surcharge loads.

- Clear construction areas of vegetation roots and designated utility lines. Reuse excavated on-site soils as structural fill if they have less than three percent organic material by volume and do not contain rocks or pieces larger than six inches in greatest dimension. Imported fill must have a plasticity index of less than 15 percent, be predominantly granular with less than five percent fines and particle size less than one inch.
- Use a well-designed temporary shoring system during basement excavation to prevent differential settlement and associated impacts to adjacent structures. Follow best practices for specified in local and state safety regulations, including the current OSHA excavation and trench safety standards. Thoroughly document the condition of nearby buildings, streets, and utilities by video or other means prior to commencement of the site basement excavation.
- Design the slope of the new roof towards area drains and/or provide roof gutters and downspouts. To minimize ponding, construct all hardscape surfaces immediately adjacent to the building with a positive gradient of a least two percent to direct surface water to discharge locations away from the structure.

If the proposed project were approved, the project sponsor would be required to follow the recommendations of the geotechnical investigation summarized above, as well as any subsequent geotechnical investigations. The Department of Building Inspection (DBI) would review the proposed project's final building plans. In the review, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. The above referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the project site. In addition, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed.

The DBI review process would ensure compliance with all *Building Code* provisions regarding structural safety. When DBI reviews the geotechnical report and building plans for a proposed project, it would determine necessary engineering and design features for the proposed project to reduce potential damage to structures from groundshaking and other seismic hazards. Therefore, potential damage to structures from geologic hazards on a project site would be mitigated through the DBI review of the building permit application pursuant to its implementation of the *Building Code*.

Please see below under checklist item 14 – Hydrology and Water Quality for discussion of the proposed project's potential dewatering impacts. In view of the above, the project would not have a significant impact regarding geology, seismicity, or soils.

Cumulative Geologic and Soil Impacts. Geology impacts are generally site-specific and do not have cumulative effects in combination with other projects. Cumulative development, including any future development, would be subject to the same design review and safety measures as the proposed project. These measures would render the geologic effects of cumulative projects to less-than-significant levels. Thus, the project would not contribute to any cumulatively considerable effects on geology or soils.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
14. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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, in a manner that would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. and f. Water Quality. Project-related wastewater and storm water runoff would flow into the City’s combined sewer system where the Southeast Water Pollution Control Plant would treat it prior to discharge into San Francisco Bay. Treatment would be consistent with the effluent discharge limitations set by the plant’s National Pollutant Discharge Elimination System (NPDES) permit. In accordance with

the permit, discharges to the Bay are in conformance with requirements of the Clean Water Act, Combined Sewer Overflow Control Policy, and the associated state requirements in the Water Quality and Control Plan for the San Francisco Bay Basin. During operations and construction, the proposed project would comply with all local wastewater discharge requirements, and therefore the proposed project would not substantially degrade water quality.

b. – e. Surface and Groundwater. The project site's impervious surface coverage limits or prevents groundwater recharge, and the proposed project would not substantially change this condition. Groundwater in the vicinity of the proposed project is at about 6 – 13 feet below ground surface and therefore it would be encountered with the proposed excavation to 20 feet below ground surface. Dewatering would be required as a result.

Groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. Project sponsors must notify the SFPUC's Bureau of Environmental Regulation and Management when projects would require dewatering and water analysis before discharge. Because dewatering would be necessary, the DBI-required geotechnical report and the final soils report would address associated potential settlement and subsidence impacts as discussed below (see page 97 for information on geotechnical design recommendations for settlement abatement). Based upon this discussion, the report would determine if the project sponsor must conduct a lateral movement and settlement survey to monitor movement or settlement of surrounding buildings and adjacent streets. If this survey were recommended, DPW would require that the project sponsor retain a Special Inspector (as defined in Article 3 of the *Building Code*) to conduct the survey.

One of the survey protocols is the installation of groundwater observation wells to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur, then dewatering would include groundwater recharge to prevent settlement and associated building damage. The project sponsor would bear the costs of the survey and any necessary repairs to service lines under the street. With the use of a watertight foundation system, there would be no need for permanent dewatering.

Construction of the proposed project would involve demolition, soil stockpiling, grading, and construction of a new mixed-use building. These activities could cause erosion and transportation of soil

particles that, once in surface water runoff, could cause sediment and other pollutants to leave the project site and ultimately affect the water quality of San Francisco Bay. However, as stated previously, storm water runoff from project construction and project operation would be required to drain to the combined sewer and storm water system and would be treated and discharged to the Bay in compliance with the City's NPDES permit. The project would also be implemented pursuant to *Building Code* Chapter 33, Excavation and Grading, to ensure that no siltation of the sewer system would occur.

g.- i. Flood Hazards. Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers.

The City has implemented a review process to avoid flooding problems caused by the relative elevation of the structure to the hydraulic grade line in the sewers. Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (Building Inspection), or for major alterations or enlargements are referred to the SFPUC for a determination of whether the project would result in ground-level flooding during storms. The side sewer connection permits for these projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Redevelopment Agency. The SFPUC and/or its delegate (SFDPW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The SFPUC will receive and return the application within a two-week period from date of receipt. The permit applicant shall refer to PUC requirements for information required for the review of projects in flood-prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters.

As required, the sponsor for the proposed project would coordinate a review with SFPUC in order to determine if the project would result in ground-level flooding during storms and will incorporate any required design measures, as applicable. Therefore, the project would result in less-than-significant impact on wastewater systems.

Flood Mapping. Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance

Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the first time. FIRMs identify areas that are subject to inundation during a flood having a 1 percent chance of occurrence in a given year (also known as a “base flood” or “100-year flood”). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area (“SFHA”).

Because FEMA has not previously published a FIRM for the City and County of San Francisco, there are no identified SFHAs within San Francisco’s geographic boundaries. FEMA has completed the initial phases of a study of the San Francisco Bay. On September 21, 2007, FEMA issued a preliminary FIRM of San Francisco for review and comment by the City. The City has submitted comments on the preliminary FIRM to FEMA. FEMA anticipates publishing a revised preliminary FIRM in 2009, after completing the more detailed analysis that Port and City staff requested in 2007. After reviewing comments and appeals related to the revised preliminary FIRM, FEMA will finalize the FIRM and publish it for flood insurance and floodplain management purposes.

FEMA has tentatively identified SFHAs along the City’s shoreline in and along the San Francisco Bay consisting of Zone A (in areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards).⁷¹ On June 10, 2008, legislation was introduced at the San Francisco Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City’s participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction’s eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the Department of Public Works will publish flood maps for the City, and applicable City departments and agencies may begin

⁷¹ City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed July 31, 2008

implementation for new construction and substantial improvements in areas shown on the Interim Floodplain Map. According to the preliminary map, the project site is not located within a flood zone designated on the City’s interim floodplain map.

j. Seiche, Tsunami, Mudflow. The site is not on the San Francisco 20-foot Tsunami Runup Map; therefore, no significant tsunami hazard exists at the site. A seiche is an oscillation of a water body, such as a bay, which may cause local flooding. A seiche could occur on the San Francisco Bay due to seismic or atmospheric activity. However, based on the historical record, seiches are rare and there is no significant seiche hazard at the site. There is no mudslide hazard at the project site because the site and vicinity are fully-developed with no erosion-prone slopes. Thus, there would be no project-related significant impact from seiche, tsunami, or mudflow hazard.

Cumulative Hydrology Impacts. The proposed project would not have a significant impact on water quality standards, groundwater, drainage, or runoff and thus would not contribute considerably to cumulative impacts in these areas. Similarly, the project would not substantially alter the site’s impervious surfaces and therefore would not contribute considerably to any potential cumulative stormwater impacts. Flood and inundation hazards are site-specific; thus, the proposed project would have no cumulatively considerable impacts. However, cumulative development in the project area, in combination with the proposed project, could result in intensified uses and a cumulative increase in wastewater generation. The SFPUC, which provides wastewater treatment in the City, has accounted for such growth in its service projections. Thus, the project would not contribute to any cumulatively considerable impacts on hydrology or water quality.

<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. 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 checked="" type="checkbox"/>	<input 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"/>

<u>Topics:</u>	<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>
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 checked="" type="checkbox"/>	<input 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 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This section addresses the potential hazards on the project site including underground storage tanks, asbestos and lead-based paint in the existing building, contaminants in the soil, emergency response plans, and fire hazards. The project site is not located within an airport land use plan area, nor near a private airstrip. Therefore, the Initial Study Checklist items 15e and 15f would not apply to the proposed project.

An independent consultant prepared a Phase 1 Environmental Site Assessment (ESA) for the project site, which is summarized below.⁷² The ESA assesses potential environmental concerns related to on-site or nearby chemical use, storage, handling, spillage, and/or on-site disposal, with particular focus on potential degradation of soil or groundwater quality. The ESA also reviews the land use history of the project site and operating practices at or near the project site to assess potential hazards from reported chemical releases on nearby properties and the potential migration of chemicals, contaminants, and toxics onto the project site.

a. and b. Hazardous Materials Use. The proposed project would likely result in the use of common types of hazardous materials such as paints, cleaners, toners, solvents, and disinfectants. All of these products have labels that inform users of risks and that instruct them in proper disposal methods. Routine use consumes or neutralizes most of these materials resulting in little hazardous waste. To ensure employee safety, existing laws require businesses to identify hazardous materials and adequately training workers.

⁷² AEI Consultants, *Phase 1 Environmental Site Assessment, 555 and 599 Fulton Avenue*, San Francisco, July 4, 2007. This report is available for public review at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco in Case No. 2005.1085E.

For these reasons, hazardous material use by the proposed project's residents and employees would not pose a substantial public health or safety hazard.

c. Hazardous Materials Use near Schools. The project site is located about 0.27 miles to the southwest of the John Swett Alternative School at 727 Golden Gate Avenue. Given the types of materials that are expected to be in use at the project site, the proposed project would not emit hazardous emissions or result in handling of hazardous or acutely hazardous materials such as to pose a risk to students or the population at large.

d. Soils and Groundwater. The project site is approximately 75 feet above mean sea level. Local topography slopes to the southeast. Groundwater flows to the southeast and is about 6 – 13 feet below ground surface.

Government records and databases list potential sources of hazardous substances, some of which may affect the soil and/or groundwater quality at the project site. These records include regulatory lists of properties with unauthorized releases of hazardous materials and properties where hazardous materials are generated or stored whether or not there has been an unauthorized release. The records include those of the San Francisco Fire Department (SFFD) and the San Francisco Department of Public Health (SFDPH).

Since about 1886, various stores, residential flats, and small manufacturing facilities have used the subject lot. From 1886 – 1940, numerous residential flats and commercial shops occupied the lot. From 1940 – 1998, gas stations and auto service stations were located on the lot. Also during that time, from 1967 – 1975, a dairy business used the 20,000-square-foot office building on the western portion of the project site (Lot 28). When the dairy business vacated, that space was used by a variety of businesses for office space. The current facilities on the eastern portion of the project site (Lot 15) date from 1998.

The dairy operation on the eastern portion of the project site stored gasoline and diesel fuel in five underground storage tanks. The tanks were removed in 1999 but remediation has not been completed and the case is still open. Soil samples indicated small amounts of petroleum hydrocarbons and methyl ter-butyl ether (MTBE) and groundwater samples revealed petroleum hydrocarbons. Soil vapor sampling indicated potential indoor air contamination (volatile hydrocarbons) in the warehouse associated with shallow contaminated soils and groundwater. The gasoline and auto-service stations using the eastern portion of the project site from approximately 1940-2000 stored fuel in five underground storage tanks. Removal of all five tanks in 1999 revealed visible evidence of soil contamination. Soil samples indicated

petroleum hydrocarbon and MTBE contamination. Remediation of contaminated soils through their isolation, characterization, and disposal during future site development is required, specifically during soil excavation for the underground parking facility.

Because existing hazards on the project site have contaminated soils and groundwater, additional testing, preparation of a Site Mitigation Plan, and disposition of the hazardous materials would be required. Remediation activities would be coordinated with the San Francisco Department of Public Health until case closure objectives are reached and the case is closed. The project sponsor has agreed to implement the following mitigation measure, which would reduce the impact of potential contaminated soil and groundwater to a less-than-significant level.

Mitigation Measure M-HZ-1—Hazards (Contaminated Soil)

STEP 1: SOIL TESTING

If required by the San Francisco Department of Public Health (SFDPH), the project sponsor shall, prior to approval of a building permit for the proposed project, hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations samples collected.

The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to SFDPH, to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the testing report to determine to whether soils the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.

STEP 2: PREPARATION OF SITE MITIGATION PLAN

If, based on the results of the tests conducted, the SFDPH determines that the soils or on the project site are contaminated with contaminants at or above potentially hazardous levels, the

DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

STEP 3: HANDLING, HAULING, AND DISPOSAL OF CONTAMINATED SOILS

(a) Specific Work Practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, State, and federal regulations) when such soils are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.

(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

(e) Hauling and Disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

STEP 4: PREPARATION OF CLOSURE/CERTIFICATION REPORT

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Asbestos. The site's existing building was constructed at a period of time when asbestos was used in building materials. Asbestos can be present in building and heating system installation, vinyl sheet flooring and tile, exterior stucco, paint, window putty, roofing material and other building materials. For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system installation (boiler insulation, pipe lagging, and related materials) and surface materials are presumed to be asbestos-containing materials (ACMs) until proven otherwise through standard sampling procedures. Regardless of building construction date, the U.S. Environmental Protection Agency requires an asbestos survey before demolition or renovation activities, and the BAAQMD enforces this requirement.

The California Department of Toxic Substances Control (DTSC) requires removal of ACMs, although certain ACMs can remain in place unless directly affected by proposed construction or renovation, such as roofing paint and coating material, mirror and ceiling tile coating material, and some vinyl floor tile. However, prior to demolition, building renovation, or construction activity, the project sponsor would remove all potentially friable ACMs (those subject to crumbling) in accordance with local and state regulations and the requirements of the BAAQMD, California Occupational Safety and Health Administration (CAL OSHA), and California Department of Health Services (DHS). This may include non-friable ACMs that could be disturbed during the proposed demolition and construction activities.

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with

notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The California legislature vests BAAQMD with the authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement. Project sponsors must notify the BAAQMD ten days in advance of any proposed demolition or asbestos abatement work.

The notification must include (1) the names and addresses of the operations and persons responsible; (2) location and description of the structure to be demolished/altered, including size, age, and prior use, and the approximate amount of friable asbestos; (3) scheduled starting and completion dates of demolition or asbestos abatement work; (4) nature of the planned work and methods to be employed; (5) procedures to be employed to meet BAAQMD requirements; and (6) the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation when it receives a complaint.

Project sponsors or their contractors also must notify the local office of the State Occupational Safety and Health Administration when asbestos abatement is required. Asbestos abatement contractors must follow State regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos related work involving 100 square feet or more of asbestos containing material. The Contractors Licensing Board of the State of California must certify asbestos removal contractors. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material must file a Hazardous Waste Manifest that details the hauling and disposal of the material to be removed from the site. Pursuant to California Law, DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

Following the regulations and procedures already established as part of the permit review process ensures the reduction of potential asbestos hazard impacts to a less-than-significant level.

Lead-based Paint. The construction of the project site's buildings prior to 1978 indicates that both interior and exterior paints may contain lead. Demolition and construction must comply with Chapter 34, Section 3423 of the *San Francisco Building Code*, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Section 3423 requires notification and description of work standards and identifies prohibited work methods and penalties for any work that may disturb or remove lead paint on buildings constructed on or before December 31, 1978, on steel structures, or on exterior work that would disturb more than 100 square feet or 100 linear feet of lead-based paint.

Section 3423 contains performance standards--including establishment of containment barriers that protect human health and the environment at least as effectively as those in the Department of Housing and Urban Development (HUD) Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards). Section 2423 also identifies prohibited practices when a project would disturb or remove lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of work debris beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

Section 3423 also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide written notice to the Director of DBI of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property, approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead-Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures of the *San Francisco Building Code* would reduce potential impacts associated with lead-based paint disturbance during construction activities to a less-than-significant level.

Other Potential Hazardous Building Materials. The proposed project includes demolition of the existing building that may contain toxic polychlorinated biphenyls (PCBs) and mercury. Inadvertent release of such materials could expose construction workers, occupants, or visitors to these substances, which could result in various adverse health effects if exposure were of sufficient quantity. Although government has not adopted abatement programs for PCB and mercury testing and cleanup similar to those described for

asbestos and lead-based paint, items containing PCBs and mercury that are intended for disposal must be managed as hazardous waste and must be handled in accordance with OSHA worker protection requirements. Nonetheless, potential impacts associated with PCBs and mercury in structures would be considered potentially significant. Hazardous building materials sampling and abatement, as described in the following mitigation measure, would reduce potential impacts of demolition associated with PCBs and mercury in structures to a less-than-significant level.

Mitigation Measure M-HZ-2—Other Hazardous Building Materials (PCBs, Mercury, Lead and others). The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of renovation. Any hazardous building materials so discovered would be abated according to federal, State, and local laws and regulations.

Fire Hazards and Emergency Response. San Francisco ensures that new and existing buildings meet fire safety primarily through the provisions of the *Building Code* and the *Fire Code*. In addition, the San Francisco Fire Department and DBI review the final building plans for any new residential project greater than two units to ensure code compliance. The proposed project would conform to these standards, which (depending on the building type) may also include development of an emergency procedure manual and an exit drill plan. The permit review process would reduce potential fire hazards and emergency response impacts to a less-than-significant level.

Cumulative Hazards Impacts. Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. Any new development would be subject to the same safety requirements discussed for the proposed project above, which would reduce any cumulative hazard effects to less-than-significant levels. Overall, the project would not contribute to cumulatively considerable significant effects related to hazards and hazardous materials.

The implementation of **Mitigation Measures M-HZ-1 and M-HZ-2** and the existing regulations and procedures of the building permit review process would reduce to less-than-significant levels the potential public health and safety hazards discussed above, including possible soil contamination, hazardous building materials, and potential fire hazards for the proposed project. Therefore, potential impacts related to hazards would be less than significant.

<u>Topics:</u>	<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. MINERAL AND ENERGY RESOURCES—Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. and b. Mineral Resources. All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is inadequate information available for assignment to any other MRZ and thus, the project site is not a designated area of significant mineral deposits. Since the project site is already developed, future evaluation or designation of the site would not affect nor be affected by the proposed project. There are no operational mineral resource recovery sites in the project area whose operations or accessibility would be affected by the construction or operation of the proposed project. Therefore, Initial Study Checklist Topics 16a and 16b are not applicable to the proposed project.

c. Energy. The proposed project would consist of residential and retail uses. Development of these uses would not result in consumption of large amounts of fuel, water, or energy. The proposed project would meet or exceed current state and local standards regarding energy consumption, including Title 24 of the California Code of Regulations enforced by the DBI. For this reason, the proposed project would not cause a wasteful use of energy, and would have a less-than-significant impact on energy and natural resources. No substantial environmental effects are expected from the proposed project.

Electric generation to serve the proposed project would consume natural gas and coal fuel. The proposed project would not use substantial quantities of other non-renewable natural resources. It would not use fuel or water in an atypical or wasteful manner. Therefore, the proposed project would not have a significant effect on the use, extraction, or depletion of a natural resource nor contribute to a cumulative impact.

Power and Communications Facilities. The proposed project would require typical utility connections and would tap into existing power and communications grids. Any utility relocation would be completed without interruption of service to adjacent properties.

In the past, San Francisco consumers have experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are the subject of much debate. Part of the problem is thought to be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls because of deregulation. The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities will eventually increase the supply of energy. These efforts, together with conservation, will be part of the statewide effort to achieve sufficiency of energy supply relative to demand. However, the project-generated demand for electricity would be small in the context of the overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Project implementation would not require new power or communications facilities. The proposed project would not result in a significant physical environmental effect on power and communications facilities.

Cumulative Mineral and Energy Resources Impacts. As described above, no known mineral resources exist at the project site, nor would the project commit to substantial usage of non-renewable resources. Therefore the project would not contribute to any cumulative impacts on mineral or 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>
17. AGRICULTURE 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.					
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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. – c. Agricultural Resources. The project site is located within an urban area in the City and County of San Francisco. The California Department of Conservation’s Farmland Mapping and Monitoring Program identifies the site as *Urban and Built-Up Land*, which is defined as “... land [that] is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.” The project site does not contain agricultural uses and is not zoned for such uses. The proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use. It would not conflict with existing zoning for agricultural land use or a Williamson contract, nor would it involve any changes to the environment that could result in the conversion of farmland. Accordingly, Initial Study Checklist Topics 17a, 17b, and 17c are not applicable to the proposed project.

Cumulative Agriculture Impacts. As described above, the project would not have impacts related to agriculture resources; therefore, the project would not contribute to any cumulatively considerable impacts on agricultural resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:					
a) Have the potential to 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, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be 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 that would 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"/>

Mitigation Measures, as presented in the topical areas of this Initial Study have been agreed to by the project to address potential cultural resources (Mitigation Measure M-CP-1, archeology and paleontology), construction-related noise (Mitigation Measure M-NOI-1) construction-related potential air quality (Mitigation Measure M-AQ-1), and hazardous materials impacts (Mitigation Measures M-HZ-

1 and M-HZ-2). Implementation of these measures would reduce these potential impacts of the proposed project to a less-than-significant level. If implemented, Improvement Measures I-TR-1, I-TR-2, and I-TR-3, discussed above, would reduce the magnitude of less-than-significant transportation effects.

The cumulative impacts from several projects is the change in the environment which results from the incremental impact of the project when added to other reasonably foreseeable past, present and probable future projects. As discussed, two projects are located between 640 and about 2,200 feet to the subject property's east and would entail construction and operation of a performing arts venue and 120 units of subsidized supportive housing. As discussed in Topic 5, Transportation/Circulation, above, project contributions to cumulative traffic at intersections in the vicinity would not be considerable. The proposed project would not contribute considerably to cumulative regional air quality conditions, or to contribute to significant cumulative noise impacts. Similarly, the proposed project would be consistent with the land use and height controls for the site and would not, either independently or in combination with other known projects, disrupt and divide a neighborhood, have an adverse impact on neighborhood character, or damage scenic resources or adversely impact views. No other significant cumulative impacts are anticipated.

F. PUBLIC NOTICE AND COMMENT

On December 8, 2006 the Planning Department mailed a Notice of Project Receiving Environmental Review to property owners within 300 feet of the project site, adjacent tenants, and other potentially interested parties. The Department received multiple comments in response to this notice, many of which commented on merits of the proposed project rather than its potential environmental effects.

Concerns and issues raised by the public regarding the environmental review were addressed and incorporated into this Initial Study. Members of the public indicated concerns regarding policy and plan conformance, land use, aesthetics (design, height, scale), views, shadow, traffic-parking-circulation, public safety, biological resources, noise, air quality, hazardous materials.

G. 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.

March 1, 2010
Date



Bill Wycko
Environmental Review Officer
for
John Rahaim
Director of Planning

H. LIST OF PREPARERS AND PERSONS CONSULTED

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