SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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DATE:	**July 1, 2010**
TO:	San Francisco Planning Commission
FROM:	Jeremy Battis, Planning Department, MEA
RE:	Appeal of Preliminary Mitigated Negative Declaration for 1050 Valencia Street, Assessor's Block 3617, Lot 008 Planning Department Case No. 2007.1457E
HEARING DATE:	**July 8, 2010**

A letter of appeal has been received concerning a preliminary mitigated negative declaration for the following project:

Case No. 2007.1457E – 1050 Valencia Street: The proposed project involves the demolition of an existing 1,670-square foot (sq ft), 23-foot-high, one-story commercial building constructed in 1970, in use as a full-service restaurant, and construction of a new 17,000-sq ft, 55-foot-high, five-story, mixed-use building containing 16 dwelling units over a 3,500 sq ft ground-floor and basement level full-service restaurant. The existing building has one off-street parking/loading space, which would be eliminated. The project site is within the block bounded by Valencia Street to the east, 21st Street to the north, Guerrero Street to the west, and 22nd Street to the south at the southwest corner of Valencia and Hill Street, a midblock street in the Mission District neighborhood. The proposed project would require a rear yard modification by the Zoning Administrator to eliminate the rear yard requirement.

This matter is calendared for public hearing on July 8, 2010. Attached is the letter of appeal, the staff response, the amended mitigated negative declaration, and the draft motion.

If you have any questions related to this project's environmental evaluation, please contact me at (415) 575-9022 or Jeremy.Battis@sfgov.org.

Thank you.

SAN FRANCISCO
PLANNING DEPARTMENT

Appeal of Preliminary Mitigated Negative Declaration
Executive Summary
HEARING DATE: JULY 8, 2010

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Date:	July 1, 2010
Case No.:	**2007.1457E**
Project Address:	**1050 Valencia Street**
Zoning:	Valencia Street Neighborhood Commercial Transit District (Valencia Street NCT) 55-X Height and Bulk District
Block/Lot:	3617/008
Project Sponsor:	Shizuo Holdings Trust
Staff Contact:	Jeremy Battis – (415) 575-9022 Jeremy.Battis@sfgov.org

PROPOSED COMMISSION ACTION:

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

PROJECT DESCRIPTION:

The proposed project involves the demolition of an existing 1,670-square foot (sq ft), 23-foot-high, one-story commercial building constructed in 1970, in use as a full-service restaurant, and construction of a new 17,000-sq ft, 55-foot-high, five-story, mixed-use building containing 16 dwelling units over a 3,500 sq ft ground-floor and basement level full-service restaurant. The existing building has one off-street parking/loading space, which would be eliminated. The project site is within the block bounded by Valencia Street to the east, 21st Street to the north, Guerrero Street to the west, and 22nd Street to the south at the southwest corner of Valencia and Hill Street, a midblock street in the Mission District neighborhood. The proposed project would require a rear yard modification by the Zoning Administrator to eliminate the rear yard requirement.

ISSUES:

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on February 10, 2010, and received an appeal letter from Liberty Hill Neighborhood Association on March 12, 2010 appealing the determination to issue a MND. The appeal letter states that the PMND fails to adequately address the following issues:

1. Public noticing was not carried out as required.

2. The PMND fails to adequately address the potential impacts on the character of Hill Street and the Liberty Hill Historic neighborhood and focuses on Valencia Street even though the majority of the building façade will be on Hill Street.

3. The PMND falsely states that the proposed project would not conflict with any environmental plan or policy, whereas the project would require a variance to eliminate the rear yard setback and open space requirements.

4. The discussion of the aesthetic impact of the Project is inaccurate and misleading and specific impacts of the project are not discussed in terms of their aesthetic effects on the abutting historic district.

5. The PMND does not adequately address the effects of the proposed project's bulk and height on the visual character of the historic Victorian neighborhood, and the project design conflicts with 2004 Housing Element policies that call for using new housing to enhance the neighborhood vitality and policies that call for promoting well designed housing.

6. The PMND project description is incomplete, in that only two of four building elevations are depicted, the adjacent structures are drawn out of scale, fenestration is not included, and the project roof deck is not shown on the Hill Street elevation.

7. The building design does not reference the Victorian streetscape on Hill Street nor share any attributes with the vintage buildings on Valencia Street and the building should be redesigned to reflect and encompass the distinct character of this community.

8. The PMND discusses the impact of the Project entirely in the context of citywide policies rather than in a site-specific manner. The Project's longest façade will be on Hill Street, a residential street consisting primarily of single family homes, with a few duplexes and small apartment buildings. Placing a 16-unit building on this street will substantially change the density of this area.

9. The proposed project will adversely affect historic resources in the neighborhood and will have a direct and powerful impact on Hill Street and Liberty Hill Historic District.

10. The PMND does not adequately analyze how the proposed project will affect the cultural resources in the vicinity, such as the cultural venues along Valencia Street in the Mission District.

11. The PMND inaccurately states that the impact on parking is not something to be considered in an environmental impact report and thereby ignores the collateral effects of lack of parking in the neighborhood.

12. The PMND asserts that the Project will not have any impact on traffic by making some rather simplistic, unsupported assumptions regarding the number of vehicle trips that will be generated by the project, and also fails to address the impacts that lack of parking have on traffic flow and pedestrian safety as drivers vainly search for places to park.

13. The PMND does not adequately examine the noise impact of the proposed project, particularly in regard to the proposed roof decks, increased traffic, and a larger restaurant ventilation system, which would be at bedroom-level height of the houses on Hill Street.

14. The PMND fails to state that the proposed project would result in substantial shading of the nearby parcels with adjacent properties being cast in shadow up to half of each day.

15. The proposed project would result in impacts related to hazardous materials due to presence of contaminated soil beneath the site and the possibility for that soil to migrate offsite into the nearby homes, and an EIR should be required to document these impacts.

16. Further analysis is required to evaluate whether the impervious structure would raise the near-term effects of liquefaction on adjacent properties.

17. The rear yard of the existing building is being used for a trash area, not open space, and state law requires that trash areas be enclosed.

One other comment letter was received from Stephanie Weisman, the Artistic Director and Founder of The Marsh, a community theater located at 1062 Valencia Street. Ms. Weisman's concerns were related to possible disruption to service such as power, sewage, water and electric during the construction period: sound bleed onto the adjacent property during project operational phase; shading of the proposed project onto The Marsh building, and increase in parking needs created by the proposed building.

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

1. A draft Motion upholding the decision to issue a MND;
2. Exhibit A to draft Motion, Planning Department Response to the Appeal Letter;
3. Appeal Letter;
4. PMND and Initial Study, as amended, with deletions shown in strikethrough and additions shown in underline.

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 prejudge or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.

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Planning Commission Motion _____

HEARING DATE: JULY 8, 2010

Hearing Date:	July 8, 2010
Case No.:	**2007.1457E**
Project Address:	**1050 Valencia Street**
Zoning:	Valencia Street Neighborhood Commercial Transit District (Valencia Street NCT) 55-X Height and Bulk District
Block/Lot:	3617/008
Project Sponsor:	Shizuo Holdings Trust 1001 Bridgeway, Suite 538 Sausalito, CA 94965
Staff Contact:	Jeremy Battis – (415) 575-9022 Jeremy.Battis@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2007.1457E FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 1050 VALENCIA 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 December 21, 2007, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.

2. On February 10, 2010, the Department determined that the Project, as proposed, could not have a significant effect on the environment, and accordingly, on that date issued a notice of availability that a Mitigated Negative Declaration would be issued for the Project, duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration was posted in the Department offices, and distributed in accordance with law.

3. On March 11, 2010, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Clint Mitchell and Risa Teitelbaum of the Liberty Hill Neighborhood Association.

4. A staff memorandum, dated July 1, 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.

5. On June 16, 2010, the Historic Preservation Commission reviewed the project in accordance with the Eastern Neighborhoods Area Plan Interim Permit Review Procedures for Historic Resources, and determined, in Motion No. 0068, that the Planning Department's CEQA analysis of potential impacts on historic resources appeared to be adequate.

6. On July 1, 2010, amendments were made to the Preliminary Mitigated Negative Declaration, adding the following text to describe revisions to the proposed project (elimination of on-site parking and loading space, setback of top floor from the building to the west). 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 July 8, 2010, the City Planning 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 July 8, 2010 City Planning Commission hearing have been adequately addressed 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 July 8, 2010 Commission 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 City 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 City 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 July 8, 2010.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

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

CASE NO. 2007.1457E – 1050 VALENCIA STREET PUBLISHED ON FEBRUARY 10, 2010

BACKGROUND

An environmental evaluation application (2007.1457E) for the proposed project at 1050 Valencia Street (Assessor's Block 3617, Lot 008) was filed on behalf of Shizuo Holdings Trust on December 20, 2007 for a proposal to demolish an existing 1,670-square foot (sq ft), 23-foot-high, one-story commercial building constructed in 1970, in use as a full-service restaurant, and construct in its place a new 17,000-sq ft, 55-foot-high, five-story, mixed-use building containing 16 dwelling units over a 3,500 sq ft ground-floor and basement level full-service restaurant. The project site is within the Valencia Street NCT (Neighborhood Commercial Transit District) Use District, and is within a 55-X Height and Bulk District. The project would require a rear yard modification by the Zoning Administrator to eliminate the rear yard requirement.

A Preliminary Mitigated Negative Declaration (PMND) was published on February 10, 2010. On March 11, 2010 the Liberty Hill Neighborhood Association filed a letter appealing the PMND. The concerns listed below are summarized from the appeal letter, copies of which are included within this appeal packet. The concerns are listed in the order presented in the appeal letter.

Appeal submitted by Liberty Hill Neighborhood Association on March 11, 2010

CONCERN 1: PUBLIC NOTICING.
Public noticing was not carried out as required.

RESPONSE TO CONCERN 1: On September 29, 2008, a Notification of Project Receiving Environmental Review was mailed out to the neighboring properties (owners of properties within 300 feet of the project site) and other interested parties, notifying them that a PMND was being prepared for the proposed project. Noticing occurred again on February 10, 2010, when the Notice of Availability that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration was posted in the Department offices, and distributed in accordance with law. The only project application filed by the project sponsor thus far has been the Environmental Evaluation Application; thus, no additional notification for this project has occurred. No comment letters or phone calls regarding this project were received during the public comment period.

CONCERN 2: NEIGHBORHOOD CHARACTER.

The PMND fails to adequately address the potential impacts on the character of Hill Street and the Liberty Hill Historic neighborhood. The discussion focuses too narrowly on Valencia Street even though the majority of the building façade will be on Hill Street.

RESPONSE TO CONCERN 2: As stated in the PMND and pointed out by the appellant, the proposed project would be developed on a corner parcel located at the intersection of Valencia and Hill Streets. This parcel is located within the Valencia Street Neighborhood Commercial Transit District (Valencia Street NCT), a commercial corridor zoning district that contains all of the lots facing Valencia Street, including corner lots. The Valencia Street NCT zoning controls allow a variety of building types and architectural styles and allow buildings at corner parcels that are taller and larger, and that typically have larger areas than parcels located on the residential streets such as Hill Street, where the height limit is 40 feet. As discussed in the Project Setting section of the PMND, the project site area's mixed-use character includes a variety of uses and a number of relatively large structures containing ground floor retail with multiple dwelling units above.

The building's impacts on the character of the vicinity are discussed on pages 21 to 22 of the PMND. As stated, "the proposed uses are principally permitted [within the Valencia Street NCT] and would be compatible with existing uses on adjacent and surrounding properties. Although the proposed project would result in a more intensified land use than currently exists on the site, it would not introduce a new or incompatible land use to the area."

While it is true that the proposed building would have its longest façade along Hill Street, the building's primary façade (and the restaurant sign) currently faces and would continue to face Valencia Street. Valencia Street has a number of other larger corner buildings that have their secondary facades along blocks that are in residential zoning districts except for the corner parcels, including buildings on the corners of Valencia Street and Liberty Street as well as Valencia Street and 22nd Street. These buildings do not impair the use of any residentially zoned address in any demonstrable manner. Furthermore, along Valencia Street most buildings contain commercial uses on the ground level with residential units above. The character of the building being proposed for the project site would not be new to the neighborhood. While it would be larger than most buildings on the project block, and larger than the buildings along Hill Street, at five stories it would still be consistent with the character of the Valencia Street corridor. The PMND appropriately acknowledges that along Hill Street, land uses are residential and are in the form of single-family homes and multi-unit apartment buildings, most within the two- to three-story range. For example, in the discussion of

the Setting, on pages 12 – 13, the PMND describes land uses in the vicinity: "Along the east-west oriented streets (such as Hill Street, 20th, 21st, 22nd Streets) the land uses are predominantly residential. Common buildings in the area include many three-story Victorian-era two- and three-family structures, larger Victorian- and Edwardian-era multifamily buildings with ground floor retail or restaurant use, early 20th century, approximately 20-foot-high masonry garage buildings typically still in use for automotive repair, and one- and two-story mid- to late-20th century commercial buildings of non-distinctive architectural character, and more recently constructed contemporary mixed-use buildings with residential uses above ground floor commercial uses." On page 26, in the analysis of aesthetics, the PMND states, "The proposed building, at 55 feet in height, would be taller than most buildings in the project vicinity, including the two-story adjacent building along Valencia Street and the three-story adjacent buildings along Hill Street." And on page 31, in the discussion of historical resources, the PMND presents the following text concerning the Liberty Hill Historic District (with a citation to *Planning Code* Article 10):

> The project site is located in close proximity to (one parcel from) the City-designated Liberty-Hill Historic District, roughly bounded by Mission, Dolores, 20th and 22nd Streets. The district is considered to be "one of the earliest residential 'suburbs' to be developed in San Francisco" and contains a range of housing types, from the architecturally uniform two-story Italianate "workingman's cottages" along Lexington and San Carlos Streets to the distinctive Stick and Italianate style homes found along Hill and Liberty Streets and Queen Anne homes that line Fair Oaks Street, which vary in facade and setback. Some of the structures within the district were designed by locally well-known architects, including Albert Pissis, the Newsom brothers, Charles Shaner, William H. Toepke, Charles Havens, and Charles J. Rousseau.

CONCERN 3: CONFLICTS WITH PLANS AND POLICIES.

The PMND falsely states that the proposed project would not conflict with any environmental plan or policy. The Project is requesting a variance to eliminate the rear yard set-back and open space requirements. The PMND does not address or justify the project's violation of land use and environmental policies.

RESPONSE TO CONCERN 3: A variance request is a discretionary approval process afforded by the Planning Code that allows for some flexibility with respect to how the Planning Code provisions are implemented to reflect individual site conditions. Variances are considered following a detailed review by the Planning Department's assigned neighborhood planning staff, a process that would be required for the proposed project. Approval or disapproval of a variance would be made separate

from the environmental review process. As stated in the PMND, the proposed project would not conflict with any adopted plans or policies.

CONCERN 4: AESTHETICS.

The discussion of the aesthetic impact of the Project is inaccurate and misleading and specific impacts of the project are not discussed. Because the Project abuts an Historic District, aesthetic concerns should be paramount, but the PMND discusses them in a cursory manner at best.

RESPONSE TO CONCERN 4: The PMND discusses visual quality and historical resources under separate sections (E.2 and E.4, respectively). In terms of visual quality, the following environmental evaluation checklist items are used to address visual impacts:

- The project's potential to have a substantial adverse effect on a scenic vista;
- The project's potential to 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;
- The project's potential to substantially degrade the existing visual character or quality of the site and its surroundings; and
- The project's potential to 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.

The PMND addresses these criteria by discussing the changes to views that would occur if the project is implemented. Specifically, the PMND discloses that views with the proposed building would differ from what is currently seen on the site. The PMND states that the proposed building, at 55 feet in height, would be taller than most buildings in the project vicinity. It also discusses the fact that the new building would have the potential to block views of shorter buildings in the project area from public sidewalks and streets. It considers the visual character of the project site and how that character would change if the proposed project were to be constructed. The PMND also addresses the blockage of private views due to construction of the proposed structure on the project site and determines this impact to be less than significant.

The Planning Department's Neighborhood Planning Division would review and comment on the specifics of the proposed building design, such as exterior cladding materials, window materials, etc., prior to approval of the building permit. As discussed in the PMND, issues related to building design are subjective and the design in itself would not result in a demonstrable adverse effect.

Additionally, the PMND acknowledges that the proposed project "would be larger in scale and visually prominent" compared to some nearby development. However, as stated on p. 27 of the PMND, "A new larger visual element, by altering the existing character or quality of a site or of its surroundings, does not in and of itself constitute a significant impact" and that, because "the new structure would be visually similar to other uses in the project vicinity in terms of its building materials, massing, and height," no significant impact would result. As mentioned throughout this document, the project area contains a range of building sizes and architectural styles, including buildings up to five stories in height. Within this context, the proposed project would not constitute a significant visual impact.

The appellant's concern regarding the project's proximity to the Liberty Hill Historic District is addressed below within Response to Concern 9.

CONCERN 5: BULK AND HEIGHT/DESIGN.

The bulk and height of the proposed building will impact the visual character of the neighborhood. The building will be over twice the height of the adjacent structure with no open space, and the character of the building does not fit with the historic Victorian neighborhood character. The design of the proposed building conflicts with 2004 Housing Element policies that call for using new housing to enhance the neighborhood vitality and policies that call for promoting well designed housing.

RESPONSE TO CONCERN 5: As discussed in the PMND, the proposed project, at an approximate height of 55 feet (with an additional nine feet to the top of the mechanical penthouse), would be taller than the neighboring structures along Valencia and Hill Streets. However, this height would be consistent with the applicable height and bulk controls specified in the Planning Code. Furthermore, the proposed building would not be out of scale with the overall character of Valencia Street, which contains a range of building styles and heights. Although the building would have its northern façade facing Hill Street within the corner project site, the building would be oriented to front onto Valencia Street. The project would be taller than the structures on Hill Street but would be consistent with the existing pattern of development, as evidenced by taller, larger buildings on Valencia Street in comparison to smaller buildings on Hill Street and other residential streets. About ten other larger (three- to seven- story) multi-unit buildings exist within three blocks of the project site. The proposed building would be taller than the immediately adjacent structures, which is disclosed on page 26 of the PMND. The Valencia Street NCT controls permit moderate-scale buildings and encourage

commercial development at the ground story and housing development above the ground story and the proposed building would be consistent with this pattern.

The PMND analyzes the impacts of the proposed project as proposed. The appellant's concern regarding the bulk and height of the proposed building is a comment on the merits of the project and not on the adequacy of the PMND in addressing its environmental impacts.

Density concerns brought up by the appellant are addressed below, within Response to Concern 8.

The proposed project's impacts to the nearby Liberty Hill Historic District are addressed below, within Response to Concern 9.

CONCERN 6: PROJECT DESCRIPTION FIGURES.
The project description is incomplete. While all 4 elevations are visible from public right of way, only 2 elevations are shown in the document. The adjacent structures are drawn out of scale to the structure. Adjacent building window fenestration must be represented in order to make adequate study of the scale of the project. The roof deck is not shown on Hill Street elevation.

RESPONSE TO CONCERN 6: The elevations presented in the PMND (Figure 6) are those that would be most easily and most commonly be perceived from the adjacent public right of ways. Since the project site is located on the corner of Valencia and Hill Streets, and the proposed building would face these two streets, the PMND includes elevation views from these vantage points. The PMND provides adequate information regarding the project for the purposes of environmental review.

The structures adjacent to the project site are customarily illustrated conceptually (without fenestration shown) to provide the reader with a general sense of the scale of the project surroundings. In general, the provided illustrations are not meant to be literal representations of the proposed project, but to provide a general sense of what the project will look like from these two selected vantage points. Following the publication of the PMND, the project architect recently prepared a set of more detailed drawings reflecting some changes that have been made to the project design (i.e., elimination of on-site parking and loading space, setback of top floor from the building to the west). The updated plans are included in the revised PMND.

Regarding the appellant's comment concerning the elevation's representation of the proposed roof deck, the roof deck would be located directly on top of the roof, and the elevations presented in Figure 6 of the PMND are clearly labeled to show the "Glass Parapet Surrounding Roof Deck."

CONCERN 7: ARCHITECTURAL DESIGN.

The building design does not reference the Victorian streetscape on Hill Street nor share any attributes with the vintage buildings on Valencia Street. The proposed building is more than twice as tall as the building surrounding it and would be a generic, characterless building that might be appropriate in an anonymous downtown business district, but is incongruous and offensive at this site. The building should be redesigned to reflect and encompass the distinct character of this community.

RESPONSE TO CONCERN 7: As discussed in the Cultural Resources section of the PMND, although the project parcel is located in proximity to the Liberty Hill Historic District, it is outside of its boundaries and, thus is not required to comply with any historic district design guidelines. Furthermore, specific design features have not been finalized, as the building's architectural features may change pending Planning Department's review and comment on the specifics of the design (such as exterior classing materials, window materials, etc.).

Also, as discussed throughout this document, the Valencia Street corridor, as well as the neighborhood in general, contains a range of building types, heights and architectural styles, including historic and contemporary designs. Therefore, the proposed building, in terms of its architectural character, would not appear inconsistent within this overall neighborhood context. There are other multi-story residential-over-retail buildings in the project vicinity, particularly on corner lots. Thus the proposed development would not introduce any new larger scale massing or height and would be generally compatible with the surrounding context. It is also recognized that judgments with regard to visual quality are somewhat subjective in nature, and may differ from person to person, and from viewpoint to viewpoint. The PMND analyzes the environmental impacts of the proposed project, per CEQA requirements, but does not make any determinations regarding the merits of the proposed development.

CONCERN 8: DENSITY.

The PMND discusses the impact of the Project entirely in the context of citywide policies rather than in a site-specific manner. The Project's longest façade will be on Hill Street, a residential street consisting primarily of single family homes, with a few duplexes and small apartment buildings. Placing a 16 unit building on this street will substantially change the density of this area.

RESPONSE TO CONCERN 8: Allowable density on the project is established through the applicable zoning district, which is Valencia NCT. It is outside the scope of the PMND to consider the appropriateness of the zoning for the project site. Both site-specific and citywide (cumulative) impacts of the project are discussed throughout the PMND. The issue of density is discussed on page 15, which states that the Valencia Street NCT zoning district does not have any residential density limits. Density is also discussed on page 17, which states that Policy 1.1 of the 2004 Housing Element encourages higher residential density in areas adjacent to downtown and locating housing in areas well served by transit. The project site is located in an area that is well served by public transit. Therefore, the density level proposed by the project would be consistent with Planning Code and General Plan requirements and would not result in a significant adverse effect on the environment. Moreover, the PMND found that effects related to the density of development, including transportation, air quality, and noise impacts, would be less than significant. The PMND states that the 2004 Housing Element also calls for allowable densities in established residential areas to be set at levels that will promote compatibility with prevailing neighborhood scale and character. Although density and development along Hill Street is less than that along Valencia Street, this is an existing condition, and the project would not substantially change the overall density of the parcels that front onto Valencia Street.

Finally, the density of the project vicinity that would result from project implementation would not exceed levels that are common and accepted in moderate-density neighborhood of San Francisco. Therefore, the proposed project would not result in density that would adversely affect the existing neighborhood.

CONCERN 9: HISTORIC RESOURCES.

The proposed project will adversely impact historic resources in the neighborhood and will have a direct and powerful impact on Hill Street and Liberty Hill Historic District. The project will be a dominating presence on the corner of Valencia and Hill Streets and will clash with the historic buildings across the street and one parcel from the site.

RESPONSE TO CONCERN 9: The PMND, on pages 31 and 32, discusses the proposed project's impacts on the Liberty-Hill Historic District. The PMND concludes that, although the project site is located in proximity to the District, it is outside of the District's boundaries, and would not impact any characteristics that are unique to the district. This conclusion was reaffirmed by a Planning Department Preservation Specialist,[1] and was supported by the Historic Preservation Commission (HPC), which held a hearing on June 16, 2010, to review the proposed project, in accordance with the Eastern Neighborhoods Area Plan Interim Permit Review Procedures for Historic Resources. At that hearing, the HPC determined that the Planning Department's CEQA analysis of potential impacts on historic resources appeared to be adequate.

The subject parcel and the immediately adjacent properties are not located within an identified or potential historic district. The Preservation Memorandum further states that the physical separation of the proposed building from the Liberty Hill Historic District by one parcel (at 15-21 Hill Street) would provide a "physical break and buffer between the historic district and project site such that the proposed project would not result in a direct physical impact to the district." In addition, "while the proposed project will be taller than immediately adjacent properties and will be visible from the historic district, the overall mass and scale is compatible with the surrounding architectural fabric, both historic and non-historic, and with the existing development pattern of Valencia Street."

Under CEQA, a project would have a significant Cultural Resources impact if it would "cause a substantial adverse change in the significance of a historical resource," such as "demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." Material impairment means that the resource—in this case, the Liberty-Hill Historic District—would result in an adverse change in the physical characteristics that account for the District's listing as a local historic district. As noted in the PMND, the district represents "one of the earliest residential 'suburbs' to be developed in San Francisco," and contains a range of housing types. According to Planning Code Article 10, Appendix F, commercial uses are not common in the residential portions of the district; rather, almost all businesses are located on Valencia Street. The proposed project would continue this pattern, by including a ground-floor restaurant space. The project would not alter the composition of the residential concentration along Hill Street nor would it affect the arrangement of residential and commercial uses that characterize the district. Therefore, according to the Preservation Memorandum, "it does not appear that the proposed project would alter the immediate surroundings of the district

such that the significance of the district would be materially impaired. Therefore, the proposed project would result in no adverse effect to off-site historical resources."

Although the project would be larger than many of the buildings along Hill Street, the existing pattern in the area allows for and includes larger corner lots with more massive buildings as compared to mid-block buildings (such as residential buildings along Hill Street). According to the Preservation Memorandum, the proposed building, which is of a contemporary architectural design, would not detract from the historic character of the nearby Liberty Hill Historic District, nor would it create a false sense of history, since buildings in the project vicinity (including buildings within the Liberty Hill Historic District) vary in size, massing, and architectural style. Due to the variety of building types and styles within and in the vicinity of the historic district, the proposed structure would not be expected to be incompatible with the older historic buildings directly across the street and adjacent to the project site. For the above reasons, the proposed project would not significantly affect the historic nature of the Liberty Hill Historic District.

CONCERN 10: IMPACT ON SURROUNDING CULTURAL VENUES.
Furthermore, the project will have an impact on the cultural resources in the vicinity, such as the cultural venues along Valencia Street in the Mission District. The scale and architectural character of the proposed project will undermine the offbeat, hip, and bohemian character of this neighborhood.

RESPONSE TO CONCERN 10: In terms of uses, commercial uses (in the form of the existing restaurant) already exist on the project site and residential uses predominate throughout the project area (including Hill Street). Therefore, the types of uses that would exist on the project site would not introduce a new use to the project area, but would represent a relatively small expansion of an existing and common use. The Department recognizes that Hill Street is a residential street with less pedestrian activity than is generated on Valencia Street. However, compared to existing conditions, the proposed project would not result in substantially more noise due to existing regulations already in place that control and limit excessive noise and other types of disruption. The proposed project's noise impacts are discussed further below, within Response to Concern 13.

In terms of impacts to cultural venues, the proposed project would not have any demonstrable impacts on visitors' ability to continue patronizing the various cultural venues in the project area, such as Artists' Television Access, Modern Times Bookstore, art galleries along Valencia Street, The Marsh, or the creative learning center at 826 Valencia Street. This is because the proposed project would be of

modest scale, relative to the streetscape of Valencia Street, and would not result in significant effects with respect to noise, pedestrian or vehicle traffic, or result in any other impacts that would discourage visitors to the neighborhood.

In terms of building style, the new structure would be of a contemporary design. The existing Spork structure is also of a contemporary design, as are other structures on the block and throughout the neighborhood. The appellants' concern regarding the proposed project's possible impacts on the vibrancy and cultural vitality of the neighborhood is one that relates to the merits of the project, not its environmental impacts or the adequacy of the PMND.

CONCERN 11: PARKING.

The PMND inaccurately states that the impact on parking is not something to be considered in an environmental impact report. Not only does this misstate the legal requirement for analysis, it also ignores the collateral effects of lack of parking in a neighborhood. Parking in the neighborhood is always difficult and the proposed project would have a terrible impact on the quality of life for the neighborhood due to increased demand for parking and double parking along Hill Street. The premise that lack of parking would force building occupants to utilize public transportation is not supported by analysis and contradicts common sense. Lack of parking would also increase traffic in the area as drivers search for parking. Also, the proposed project would take away two existing parking spaces on Hill Street by modifying the sidewalk with a bulb-out that would intrude on the Liberty Hill Historic District.

RESPONSE TO CONCERN 11: Parking impacts of the proposed project are analyzed on pages 35 through 37 of the PMND. While potential parking impacts associated with the new residential and increased restaurant uses at the project site could be noticeable to the neighbors, as stated in the PMND, parking deficits are considered to be social effects rather than impacts to the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. As stated on page 35 of the PMND, under California Public Resources Code Section 21060.5, "environment" means "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance." San Francisco does not consider parking supply part of the permanent physical environment. Parking conditions are not static, as parking supply and demand vary from day to day, from day to night, from month to month, etc. Hence, the availability of parking (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Furthermore, the City's Transit First Policy, established in

City 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."

With regard to the appellant's concern about double parking on Hill Street, Hill Street on the project block, at 38 feet, is wider than many other residential streets and alleys in the project vicinity (wider than two standard lanes). While occasional double parking currently occurs and would continue to occur in the future, observations indicate that this existing activity does not, and would not be expected to in the future, substantially impede the flow of traffic to the degree that a significant impact would occur, since most vehicles have and would have adequate room to circumnavigate any double-parked vehicles. Double-parking is discouraged citywide through citation by the Department of Parking and Traffic, and the same enforcement mechanisms would apply to the proposed project.

The project area is well served by public transit and it is reasonable to expect that some residents of the new units might opt out of vehicle ownership, since a garage would not be provided as part of the offered living accommodation. The estimate that demand for 34 parking spaces[2] would be generated by the proposed project can be considered conservative, consistent with Planning Department Transportation Impact Analysis Guidelines for Environmental Review (October 2002). As noted in the PMND, off-street parking is not required in the Valencia Street NCT use district in which the project site is located.

In terms of parking for restaurant patrons, the project area already contains many businesses that generate trips into the neighborhood, including the existing Spork Restaurant. Various garages and parking lots exist throughout the neighborhood to provide temporary customer parking to the area's visitors. Furthermore, the Spork Restaurant currently has a sign on the door that states the following "Parking – a great place to park is the Mission Bartlett Parking Garage around the corner at 3255 21st Street." Any increases in clientele that would be generated by the larger Spork Restaurant would not be substantial enough to be noticeable over the existing numbers of customers who frequent the restaurant, particularly given the existing parking demand along Valencia Street. The parking and transportation analysis recognizes the existing use on the site.

Secondary environmental impacts of parking deficits, including increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion, are addressed throughout the PMND. As stated on page 36, "the transportation analysis accounts for potential secondary effects, such as cars circling and looking for 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 assumptions used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably address the potential secondary effects. These impacts would, therefore, be less than significant."

In terms of the appellant's concern that the proposed bulb-out would intrude on the Liberty Hill Historic district, the bulb-out would not be located within the Liberty Hill Historic District and, therefore, would have no adverse effect on the district. Additionally, the bulb-out would be consistent with San Francisco's Better Streets Plan, which aims to "create a unified set of standards, guidelines, and implementation strategies to govern how the City designs, builds, and maintains its pedestrian environment."

CONCERN 12: TRAFFIC.

The PMND asserts that the Project will not have any impact on traffic by making some rather simplistic assumptions regarding the number of vehicle trips that will be generated by the project. No support is given for these estimates. In addition, the PMND does not address the impacts that lack of parking have on traffic flow and pedestrian safety as drivers vainly search for places to park. If this project is allowed to proceed we will have a traffic nightmare with double parking as people will have to unload their groceries and whatever they are bringing home because they will have to roam far and wide to find parking. Seniors will be forced to carry their items from a distance when they are unable to find parking close to their home.

RESPONSE TO CONCERN 12: To estimate additional vehicle trips that would be generated by the proposed project, the PMND relied on Planning Department Transportation Impact Analysis Guidelines for Environmental Review (October 2002). This is a standard protocol that is used for San Francisco environmental review documents. As noted in footnote 14 on page 34, a Trip Generation Spreadsheet that documents these calculations is available for review at the Planning Department as part of Case File No. 2007.1457E.

CONCERN 13: NOISE.

The PMND does not adequately examine the noise impact of the proposed Project. Additional noise would result from the roof decks of the proposed building, which would be at bedroom level height of the houses on Hill Street

and would serve as a living room and entertainment space for the building's residents. Increased noise pollution will also result from an additional 34 cars looking for parking as well as the location of the service entrance along Hill Street which will be used for deliveries, garbage pick-up and the like. A larger restaurant and new residential uses would also increase the noise level in the project area. HVAC would also add to the noise levels in the area, as would the construction of the project.

RESPONSE TO CONCERN 13: The proposed project's noise impacts, including impacts related specifically to construction and traffic increases, are discussed on pages 38 through 43 of the PMND. In response to the appellant's concern that operational noise on the proposed roof deck would reverberate throughout the neighborhood, the new structure would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which regulates unwanted, excessive, and avoidable noise, including noise emitted by waste disposal trucks, construction-related noise, and HVAC-related noise, as a matter of public health and safety. Any excessive noise on the roof decks would, therefore, be controlled as a matter of course through citywide enforcement measures that are already in place. No evidence is presented by the appellant to substantiate the claim that the rooftop would be used excessively by the building's residents due to the size of the apartments. Outdoor decks and patios, including rooftop decks, are common throughout San Francisco. As stated in the PMND, noise from the project would not be expected to exceed typical levels in an urban area. Lastly, noise attenuates with distance, and any incremental noise increases that would be generated by residents using the rooftop deck would reduce in volume the further the residents are located from the source and would not be easily discernible from background noise, which includes existing traffic noise along Valencia and Guerrero Streets.

The addition of a maximum of 23 vehicles per hour (p.m. peak-hour trip generation) to the neighborhood would not result in a noticeable increase in the ambient noise level in the project vicinity, since a doubling in traffic levels is typically required to be able to detect an increase in ambient noise levels,, which would not occur in this case. This is documented on page 42 of the PMND.

Any noise impacts associated with deliveries to the restaurant as well as garbage pick-ups would not be noticeably perceptible over the noise levels associated with existing operations, since these types of services are currently provided to the project site.

As noted above, construction noise would be regulated by the *Noise Ordinance,* which prohibits construction work between 8:00 p.m. and 7:00 a.m. if noise would exceed the ambient noise level by

five dBA at the project property line. By complying with the regulations set forth in the *Noise Ordinance*, the project would avoid significant noise impacts to the nearby residential properties. According to the project architect, construction activity would not be expected to occur after 5 p.m. on most days.

CONCERN 14: SHADOW.

The proposed project would result in substantial shading of the nearby parcels with adjacent properties being cast in shadow up to ½ of each day. Residual effects of the increased shadows will significantly alter residential sunlight, increase heating costs for surrounding buildings, damage wooden structures, which are the majority in the surrounding neighborhood due to lack of water burn-off during rainy season, and damage yard and street landscaping.

RESPONSE TO CONCERN 14: Shadow impacts of the proposed project are analyzed on pages 61-62 of the PMND. As stated on page 62, the proposed project would add new shading to surrounding properties but would not increase the total amount of shading above levels that are common and generally accepted in urban areas. The Planning Department conducted an analysis, summarized in a memo issued on September 16, 2009, in which it determined that proposed project would not result in adverse shadow impacts, as defined under Proposition K and Section 295 of the San Francisco Planning Code.

It is anticipated that much of the new shading caused by the proposed project, particularly during days and times when shadows are longest (such as winter mornings), would fall on areas already in shade from other surrounding buildings. According to the Planning Department's Shadow Analysis Work Sheet, maximum shadow, which would occur on December 21 at 8:22 a.m. and 3:54 p.m., would reach 409 feet west and east, respectively, reaching about mid-block west along Hill Street, and across Valencia Street to the east (due to topography, the shading would not reach the top of the Hill Street hill). Any new shading on private properties would be temporary and would not constitute a significant impact.

Just as the sun moves across the sky, accordingly, the new shadows would move across the ground, resulting in shading on any single building or parcel for short durations of time, typically between approximately 15 minutes and one hour.

Furthermore, under CEQA, the reduction of sunlight on private residences would not constitute a significant impact on the environment. Section 295 (Proposition K) protects public open spaces from

shadowing by new structures, but does not provide protection of sunlight for private properties. Thus, while some additional shading may be of concern to affected neighbors, shadowing of private residences is not considered to be an environmental impact under CEQA within the dense urban setting of San Francisco.

CONCERN 15: HAZARDOUS MATERIALS.

The proposed project would result in impacts related to hazardous materials due to presence of contaminated soil beneath the site and the possibility for that soil to migrate offsite into the nearby homes. Thorough soil testing, mandated by a full EIR, should be done to explore residual hazardous materials left from the site's prior use as a gas station. Further, the project would generate dust containing hazardous particles that would blow through the shipboard sidings of stick Victorian houses of the type that line Hill Street and local residents will suffer. Locals will also suffer due to construction staging and idling from trucks.

RESPONSE TO CONCERN 15: As discussed in Hazards and Hazardous Materials section of the PMND (pages 78 through 88), mitigation measures would be required as part of project approval to ensure that potential subsurface contamination does not present a risk to future building occupants, construction workers, or the public, including the surrounding community. As noted in the PMND, these mitigation measures have been coordinated with and approved by the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit and would reduce potential adverse impacts from subsurface contamination to a less-than-significant level. They include conducting a geophysical survey and a Phase II subsurface investigation to determine if any underground storage tanks remain at the site and to determine the extent of sub-surface contamination, if any, associated with the site's prior uses. They also include measures by which the sponsor would be required to obtain permits from the San Francisco DPH Hazardous Materials Unified Program Agency (HMUPA), Fire Department, and Municipal Transportation Agency and specific measures for testing and handling of contaminated soils. These mitigation measures would be required as part of project approval and would ensure that impacts related to potential subsurface contamination at the site are minimized.

In terms of dust control, as discussed on pages 44 and 45 of the PMND, construction-related air quality emissions, including dust (whether it contains hazardous particles or not), are regulated by the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). Compliance with Construction Dust Control Ordinance, which is intended to minimize dust at the property line in order to protect residences in the area, would minimize the likelihood for any dust to migrate offsite

and enter into the surrounding properties. Compliance with this ordinance would reduce these impacts to less than significant. No circumstances exist at the project site that would suggest that this already required measure would be insufficient or would require more stringent measures to address dust.

CONCERN 16: LIQUEFACTION.
This impervious structure would raise the near term effects of liquefaction on adjacent properties. Without an independent geo-technical and structural review, the neighbors face an increase risk of foundation movement due to the increase in sub surface water pressure. Inadequate information was presented to the preparer of this report to determine these effects.

RESPONSE TO CONCERN 16: A site-specific geotechnical investigation was prepared for the proposed project and is referenced in the PMND (footnote 55 on page 71). As noted on page 72 of the PMND, the project site is located within a seismic hazard zone for liquefaction, as mapped by the California Division of Mines and Geology for the City and County of San Francisco in 2000. However, based on the site-specific geotechnical investigation, earth materials encountered beneath the site were sufficiently dense and/or contained enough plastic fines to render the potential for liquefaction to occur as low. Therefore, as standard industry practices would be incorporated into the final design and construction of the project, the project would not result in any significant impacts related to liquefaction.

CONCERN 17: TRASH AREAS.
The rear yard of the existing building is being used for a trash area, which is not the open space that was intended by the drafters of the legislation. California Uniform Retail Food Facilities Law requires that trash areas be enclosed. Runoff water from trash can wash down cannot be left to run out to the street.

RESPONSE TO CONCERN 17: Designated trash and recycling areas for the proposed building are shown in PMND plans (Figure 5 on page 8) and would be enclosed within the proposed building. Final size and configuration of trash areas would be required to comply with all applicable codes and regulations (including the California Uniform Retail Food Facilities Law), and not be expected to result in any significant impacts related to their size or placement.

In addition to the appeal described above, one other comment letter was received on the PMND. This letter, which is attached, raises several issues with regard to the analyses contained in the PMND.

Comment letter submitted by Stephanie Weisman, Artistic Director/Founder of The Marsh, on March 11, 2010

CONCERN 18: UTILITY DISRUPTIONS.
The project would result in possible disruption to service such as power, sewage, water and electric during the construction period.

RESPONSE TO CONCERN 18: The construction of the proposed project would not be expected to result in any disruptions to the existing utility infrastructure, including power, sewage, water, and electric services. All standard construction regulations and protocols would be followed.

CONCERN 19: CONSTRUCTION NOISE IMPACTS ON THE MARSH
Project construction would result in sound bleed onto the adjacent property. Project operation would result in sound bleed from the proposed apartments, roof deck, and balconies onto the adjacent property.

RESPONSE TO CONCERN 19: As stated in the PMND, construction of the project would be expected to last about 18 months and construction activities would be prohibited between the hours of 8:00 p.m. and 7:00 a.m. if it noise would exceed the ambient noise level by five dBA at the project property line.

As stated on page 41, during the construction period, demolition, excavation, and building construction would temporarily increase noise in the project vicinity. Construction levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, 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. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*), which 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.

The Marsh, located adjacent to the project site on Valencia Street, would experience an increase in ambient noise levels (and possibly some vibration) during project construction. According to The Marsh's website, with some exceptions, most theater performances occur in the evenings. Most construction would also be expected to end by 5 p.m. To the extent feasible, the project sponsor should coordinate with The Marsh management to avoid noise-emitting construction activities during

daytime shows. While the construction of the proposed project may result in a temporary disturbance to some weekday daytime shows, this would not be considered significant, since it would occur occasionally and for a temporary period of time. With regard to operational noise, the portion of the proposed building adjacent to The Marsh would contain mostly circulation space (not living space), and therefore would generally not be occupied. This space would serve as a buffer between The Marsh building's northern wall and the occupied space within the proposed building.

CONCERN 20: SHADOW ON THE MARSH.
The Marsh will be in the shadow of the proposed building. The proposed building will eliminate all sunlight and air flow from Hill Street side, as well as signage from that direction.

RESPONSE TO CONCERN 20: The proposed project's shadow impacts are addressed above, within Response to Concern 14. The proposed project would not result in any substantial effects on air circulation since it would not obstruct any air The Marsh building currently receives through its doors and windows. In terms of signage, while blocking or shading of signage may be an inconvenience to the neighboring property (The Marsh), this would not be considered a significant impact under CEQA.

CONCERN 21: PARKING.
Parking is already a problem in the area and we are concerned with an increase in parking needs created by the proposed building.

RESPONSE TO CONCERN 21: The proposed project's impacts to parking supply are addressed above, within Response to Concern 11.

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[1] LaValley, Pilar, San Francisco Planning Department. *Negative Declaration Appeal Response, Historic Resource Evaluation, 1050 Valencia Street (Preservation Memorandum)*, April 23, 2010. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2007.1457E.

[2] This count includes 21 parking spaces for the residences and 13 parking spaces for the restaurant.

LIBERTY HILL
NEIGHBORHOOD ASSOCIATION

March 11, 2010

San Francisco Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-2414

ATTN: Jeremy D. Battis

FROM: Liberty Hill Neighborhood Association

SUBJECT: Case No. 2007.1457E
1050 Valencia Street

Dear Planning Commission:

We are writing with regard to the Preliminary Mitigated Negative Declaration ("PMND") issued with respect to the above referenced case which concerns the construction of a five plus story building with 16 residential units and a restaurant space at 1050 Valencia St. (the "Project").

It is the position of the Liberty Hill Neighborhood Association that a full, thorough, exhaustive investigation and critical analysis is imperative for the proposed building at 1050 Valencia Street. Most importantly a full and careful Environmental Impact Report (EIR) must be completed. We are therefore appealing the decision that there would be no significant effect of the project. Our investigation into the statements and conclusions made in the Preliminary Mitigated Negative Declaration reveal many erroneous conclusions, false and misleading statements, incomplete evaluations, and missing documentation including diagrams and analyses. These deficiencies (which are detailed below) require that a full Environmental Impact Report be prepared.

In addition, we believe that the PMND is flawed because it was not prepared in accordance with the procedures required by law. One of the critical components of a PMND is the solicitation of comments from the neighborhood. The sponsor of the project, Shizuo Holdings Trust (the "Sponsor") did not take this basic step. We have not been able to identify anyone in the required area who received notification that the PMND was being prepared. Therefore, it appears that the legally mandated procedures necessary to produce a valid PMND were not followed and that the PMND is not legally sufficient and is wholly invalid.

As discussed in detail in the attached memorandum, it is the position of the Liberty Hill Neighborhood Association that the overwhelming size of the proposed 1050 Valencia project,

when compared to anything nearby has enough significant local environmental impact to require a full report.

We strenuously oppose the short-cutting of a full Environmental Impact Report (EIR) with a preliminary Mitigated Negative Impact Declaration. This declaration is totally inadequate in addressing the concerns and problems we see with the Project.

The attached memorandum details some, but not all, of our concerns that lead us to the conclusion that a full Environmental Impact Report is necessary if the Planning Commission is to impartially assess the effect the proposed five story, 16 - unit structure will have on the character of the Valencia Street corridor and on The Liberty Hill Historic District into which it intrudes. A critical analysis of many, but not all, of the so-called findings in the Negative Declaration is detailed on the following pages.

Enclosed please find the required $500 check payable to the Planning Department to appeal the determination of no effect in the PMND. As the Liberty Hill Neighborhood Association is a neighborhood association that has been in existence well in excess of 2 years, we will be seeking reimbursement of this amount.

Please contact the Liberty Hill Neighborhood Association with any questions regarding this appeal.

Respectfully Submitted,

Liberty Hill Neighborhood Association

Clint Mitchell – President

Risa Teitelbaum - Committee Chair

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NEGATIVE ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT AT 1050 VALENCIA STREET

The following paragraphs analyze Section E of the PMND and demonstrate that the analysis of environmental impacts contained in that section are inaccurate, misleading and inadequate. These are all highly significant issues that need to be thoroughly analyzed in order for the Project to be properly evaluated by the City. As the Sponsor has failed to provide such analysis, an environmental impact report is required.

1. Land Use Planning

The PMND's discussion of the impact of the project on land use and land planning issues is narrowly focused and fails to address some of the most obvious impacts the Project will have on the surrounding area and fails to justify the Project's clear contravention of existing land use policies.

Existing Character in the Vicinity

Despite statements to the contrary in the PMND, the Project would have severe and irreversible impacts on the existing community particularly Hill Street and the Liberty Hill Historic Neighborhood. The area consists largely of single family homes, with some duplexes and a few small apartment buildings, Many of the homes are of historical significance. The 16 unit project is fundamentally inconsistent with the character of the neighborhood.

The PMND attempts to ignore the effects the Project would have on the community by solely describing its impact on the Valencia Street neighborhood. However, the way the Project is situated it would have significant impact on Hill Street and the rest of the Liberty Hill neighborhood. In Section E.1.c of the PMND no attention is paid to the impact of the Project on Hill Street or any part of the neighborhood other than Valencia Street. It is absurd to develop a corner lot and only examine the impact the project will have on one street.

Throughout the PMND, the Sponsor asserts that the Project faces Valencia Street, but that is clearly not the case. Though the address is on Valencia Street, its longest façade is on Hill Street, most of its bay windows face onto Hill Street, all of the services will be accessed on Hill Street, and much of the negative impact will occur on Hill Street. To pretend that the Project impacts Valencia Street only is highly disingenuous. The negative impacts are primarily on one small, completely residential block of the Liberty Hill Historic District.

The failure of the PMND to analyze the impact the Project will have on *all* affected areas is a significant and material deficiency that highlights the need for a complete and thorough environmental impact report.

Land Use Policy

The PMND falsely states that the proposed project would not conflict with any environmental plan or policy. However, the Project is requesting a variance to eliminate the rear yard set-back and open space requirements. These requirements are essential land use and environment policies. That Section E.1.b PMND does not even to bother to address or justify its clear violation of these policies is further evidence of the need for an environmental impact report.

2. Aesthetics.

The discussion of the aesthetic impact of the Project is inaccurate and misleading. Because the Project abuts an Historic District, aesthetic concerns should be paramount, but the PMND discusses them in a cursory manner at best.

Visual Character

Section E.2.C of the PMND spends just one paragraph discussing the impact of the Project on the visual character of the neighborhood. This paragraph is circular and conclusory. Essentially, it states that because the Project ostensibly complies with zoning for the area that there is no impact on the visual character of the neighborhood. That is an absurd argument to make. Zoning regulations are inherently broad brush; the whole purpose of the PMND is to discuss the specific impacts the Project will have. As the Project abuts an Historic District, visual character is of critical importance. The failure of the PMND to even attempt to analyze the Project's impact on the visual character of the neighborhood is a significant and material flaw that again highlights the need for a complete environmental impact report.

Our specific concerns with the Project's impact on the visual character of the neighborhood are described below.

To quote from the PMND report:

"Density/design/quality of life policies in the 2004 Housing Element include Policy 11.1, a new policy which calls for using new housing as a means to enhance neighborhood vitality and diversity, and Policy 11.5, which promotes well-designed housing that enhances existing neighborhood character. The corresponding policy in the 1990 Residence Element calls for housing that conserves existing neighborhood character. PMND Page 17."

This is clearly not being applied to a building that is over twice the height of the adjacent structure with no open space. Additionally the lack of fenestration, the over sized "bay" windows, do not fit with the historic Victorian neighborhood character. *Additionally the density of housing is approximately 6 times the neighborhood average for the number of people per square foot of lot size.*

Valencia Street

Quoting from page 8 of the report.

"The Valencia Street NCT controls are designed to permit moderate-scale buildings and uses and to preserve rear yards above the ground story and at stories having residential use."

Clearly the bulk and height of the building have been designed to maximize the size of the project, eliminating rather than preserving rear yard space. This project does not meet this planning criterion.

The project description is incomplete. Only 2 of the elevations are drawn for this application. All 4 elevations are visible from the public right of way. The adjacent structures are drawn out of scale to the structure. Adjacent building window fenestration must be represented in order to make adequate study of the scale of the project. The roof deck is not shown on Hill Street elevation.

San Francisco is known nationally and internationally for its beauty and the unique character of its architecture. The establishment of Historic Districts and Master Plans was a way in which we as a city preserve our unique character and integrity, creating an environment that is pleasing to visit and a delight in which to live. This proposed 1050 Valencia building is offensive to all criteria that can be applied in the name of "Aesthetics"! Not only does it not reference the Victorian streetscape on Hill Street where it intrudes but it also does not share any attributes with the vintage buildings on Valencia Street. It is more than twice as tall as the building surrounding it, the steel balconies that hang over Hill Street destroy the graceful lines of the block and its steel and glass structure stand out like a sore thumb.

In an age when great architects are designing wonderful buildings something more definitive should be built on the Valencia Street corridor especially when it is a portal of the Liberty Hill Historic District. This very generic, characterless building might be appropriate in an anonymous downtown business district, but is incongruous and offensive at this site. It needs to be redesigned to reflect and encompass the distinct character of this community. The residents of this neighborhood deserve better than this very mundane and thoughtless bulk of an edifice.

The adverse effects of this dismal design on the business corridor along Valencia Street cannot be overemphasized. The boutique identity of the unique, charming community restaurants and shops that help define and serve our community would be juxtaposed with this totally out of place steel and glass structure. Instead of building on neighborhood identity, it would destroy the charm that has been building in this part of the Mission over the years. This building would, with its massive height and inappropriate materials, assault the fabric of connection between the residential and commercial communities. Certainly we can do better. We couldn't do worse.

3. Population and Housing

The PMND discusses the impact of the Project entirely in the context of citywide policies rather than in a site-specific manner. As noted before, the Project's longest façade will be on Hill Street, a residential street consisting primarily of single family homes, with a few duplexes and

small apartment buildings. Placing a 16 unit building on this street will substantially change the density of this area. This impact needs to be thoroughly analyzed and addressed in an environmental impact report.

4. Cultural Resources

The PMND ignores or downplays the significant negative impacts the Project would have on the cultural resources of the neighborhood. As discussed below, we believe that these impacts need the type of thorough analysis provided by an environmental impact report, not the glib and fallacious reasoning of the PMND.

Historic Resources

The PMND spends multiple paragraphs discussing the importance of the Liberty Hill Historic District but then dismisses any possible impact because 1) the Project is not in the district and 2) the project is oriented towards Valencia Street. This reasoning is specious, unconvincing and fundamentally false.

The Project as proposed will be a dominating presence on the corner of Valencia and Hill Streets. It will fundamentally clash with the many older historic buildings directly across the street and just one parcel up the street. To claim that a buffer provided by the street and a single parcel somehow entirely eliminates any possible impact on the historic district is just not credible.

Furthermore, as discussed above, the Project is not oriented towards Valencia Street. Its longest façade and its driveway are located on Hill Street. Almost all of its bay windows face out onto Hill Street. Because the Project is so completely different in scale and character than any building on Hill Street, its impact there will be substantially greater than on Valencia Street. It is absurd that the Sponsors are trying to pretend that the Project will not have a direct and powerful impact on Hill Street and the rest of the Liberty Hill Historic District. All commercial and residential services will disrupt this small street, exactly as the Kentucky Fried Chicken on this site did for decades, with noise and disruption at all hours of the day and night.

The Liberty Hill Historic District was established in 1984 as one of the first historic districts in San Francisco. It was initiated by two home owners on Guerrero Street who, having gotten their vintage Victorian homes on the National Registry for Historic Homes, felt that it was important to preserve the neighborhood to have a meaningful and cohesive place in our heritage. We were enthusiastically supported by all branches of city government. This incongruous proposed building will bring to reality all the worst fears of those who worked so hard to and have continued to preserve and protect this vital piece of San Francisco.

As the Sponsors have chosen to draft the PMND so that it discusses the impact of the Project only on Valencia Street and not on other streets in the neighborhood, a complete environmental impact report is required to provide the information necessary to properly evaluate the project.

Cultural Resources

The PMND does not address at all the impact the Project will have on the important cultural resources in the vicinity.

Residents and visitors alike are attracted to the variety of cultural venues on Valencia Street in the Mission District, whether it's a presentation at The Intersection for the Arts, a screening at Artists' Television Access, a book signing at Modern Times, visiting the art galleries that are proliferating on Valencia Street corridor, a performance piece at The Marsh, or taking their children to the David Egger's international renowned creative learning center, 826 Valencia. This attraction owes a large part to the character of this neighborhood which is somewhat off-beat, hip, or bohemian in nature. This tall, block-like building undermines the present dynamic with its 'downtown urban' identity. At present, the architecture is more humanly scaled and provides the nurturing environment that breeds and enhances creativity.

Our cultural institutions are very dependent intellectually, creatively, and emotionally on the 'atmospheric' support of the neighborhood and the environment. The 'Street Cred' and the sense of place that is The Mission" is undermined by this massive institutional (and very tall) structure. The arts thrive in a district that reflects the human qualities that are shared with the bonds of community and nature. This building severs both.

See attached letter from 1050 Valencia's next door neighbor, Stephanie Weisman, founder and Artistic director of The Marsh which describes the negative impact the project will have on this significant cultural resource.

5. Transportation and Circulation

The PMND fails to adequately address the enormous negative impact the Project will have transportation and circulation in the neighborhood. The PMND's analysis is characterized by simplistic assumptions and a refusal to even admit that there will be real environmental impacts from their failure to provide parking to residents of the Project. The appropriate remedy for this lack of analysis is a full environmental impact report.

Parking

The PMND inaccurately states that the impact on parking is not something to be considered in an environmental impact report. Not only does this misstate the legal requirement for analysis, it also ignores the collateral effects of lack of parking in a neighborhood.

Parking in our district is always very difficult at the best of times. It is usual for residents to spend evenings driving around and around trying to find an open parking space. The idea of a five story building with sixteen units and a restaurant fifty percent larger than the current restaurant (Spork) with no provision for parking for cars will have a terrible impact on the quality of life for the Neighborhood. The projects listed on page 22 of the PMND created 50 new parking spaces. The 1050 Valencia project creates zero and takes away two existing spaces!

The premise of the Sponsors, as stated in the Preliminary Negative Declaration that by not having any parking the occupants of their proposed building will be "forced" to utilize public transportation is not supported by any analysis and contradicts common sense. Indeed, the PMND states that the will add approximately 34 cars to the neighborhood. As there are no lots or garages in the area with available parking spaces, all of these cars will need to be parked on the street. The addition of that many cars to the neighborhood will have a severe and negative environmental impact. Not only will residents and visitors have much more difficulty finding parking but there will be much greater traffic in the area as drivers search for parking.

On top of this the builders of 1050 Valencia also propose to remove two parking spaces on Hill Street by modifying the sidewalk with a bulb-out that would totally intrude on the Liberty Hill Historic district, by modifying the street line on the south side of Hill Street. We would suggest instead of a bulb-out that the two parking spaces in front of the project should be handicapped accessible.

Traffic

The PMND asserts that the Project will not have any impact on traffic by making some rather simplistic assumptions regarding the number of vehicle trips that will be generated by the project. No support is given for these estimates. In addition, the PMND does not address the impact lack of parking has on traffic flow and pedestrian safety as drivers vainly search for places to park.

If this project is allowed to proceed we will have a traffic nightmare with double parking as people will have to unload their groceries and whatever they are bringing home because they will have to roam far and wide to find parking. Seniors will be forced to carry their items from a distance when they are unable to find parking close to their home. As residents, we strenuously object to our landmark street of Victorians homes being converted in a service alley for a 16 unit apartment building at 1050 Valencia Street. These negative impacts are not addressed by the PMND and require a full environmental impact report.

6. Noise

The PMND does not adequately examine the noise impact of the proposed Project.

Hill Street has managed to maintain a quiet residential quality which the residents want to maintain and to this end we request an EIR be conducted to look extensively at the noise issues that would accompany the building of a five-story apartment building particularly regarding the proposed roof deck and the requested variance to eliminate the requirement for 25 percent open space.

The height of the proposed building at 1050 Valencia will put its roof deck at bedroom level height of the houses on the top half of Hill Street. Voices carry outside. A good example of this is the house at 977-981 Guerrero Street (at the top of Hill) that has a roof deck and the voices are loud and clear coming down the street plus the sound reverberates off adjacent building walls creating a stereo effect. Given the small size of the units (studios and one bedrooms) it is obvious

that the proposed roof deck will serve as a open air living room and entertainment space for the buildings perspective residents. This problem will be amplified further if a variance is granted to eliminate the twenty-five percent open space required by code that would serve as a natural barrier to the noise pollution that would be part and parcel of a crowded residential building such as the one currently proposed.

Increased noise pollution will also result from the addition of 34 cars cruising the neighborhood looking for parking as well as the location of the service entrance along Hill Street which will be used for deliveries, garbage pick-up and the like. Trash collection is a noisy operation.

Increasing the size of the restaurant by 50 percent and the residential density on lower Hill Street by a minimum of 100 percent will produce an unacceptable level of constant noise. The original KFC was built to an old building code. Current code requires much more powerful HVAC equipment that is much noisier. Additionally, the existing equipment is 30 feet front adjacent buildings. Current plans indicate that new restaurant equipment will blow grease laden exhaust fumes into the open space, directly at the adjacent property. We request that an independent acoustician be retained to study the near term effects and provide proposal for mitigation so that noise measured at the property line does not exceed code.

We are also concerned with the lack of evaluation of the construction noise and its effect on our neighborhood (See letter from The Marsh). This is a tight construction site and we would like to see a plan for reducing the noise from the idling trucks and construction machinery. We would like a detailed statement as to start and finish times and a ban on stationing construction materials and waiting trucks on Hill Street.

Further, the construction will necessitate excavation and drilling. The noise resulting from this should be evaluated and its effect known both to the residents of Hill Street and the surrounding Valencia corridor.

The foregoing issues were not examined in the PMND and need to be analyzed in a full environmental impact report.

7. Wind and Shadow

Light and Glare.

Section E.2.D of the PMND fails to examine the substantial impact the building would have on light in the surrounding area. These impacts need to be examined in a complete environmental impact report.

If 1050 Valencia is built as planned Hill Street will endure westerly shadows extending well beyond ½ the block, or at least 7 residential lots, for up to 6 hrs/day and up to the full block at the shadow's maximum length. Adjacent properties will be cast in shadow up to ½ of each day. Estimates based on measurements provided the Shadow Analysis Work Sheet submitted to the Planning Department:

- Using East/West maximum shadow measurements 378/409 from the report.

- Estimated length to ½ the block - west edge of 49 Hill St. apartment building = 208 feet, or roughly ½ maximum shadow length (compensates for seasonal fluctuation)

Considering that westerly shadows are cast ½ of each day, the block midpoint will be shadowed for approximately ½ of that time or ¼ of each day. Residual effects of the increased shadows will significantly alter residential sunlight, increase heating costs for surrounding buildings, damage wooden structures, which are the majority in the surrounding neighborhood due to lack of water burn-off during rainy season, and damage yard and street landscaping.

The Valencia Street area surrounding 1050 Valencia, if it is built as proposed, would see shadows similar to the Financial District. The proposed building cries out for a full EIR that would legitimately address this issue.

While it is the city's contention that only parks and public spaces are to be considered in their assessment of shadowing, this is of utmost concern to the homeowners and business in proximity to the building site who are so negatively impacted, whose homes and buildings will be degraded.

8. Hazardous Materials, Foundation and Excavation

The Planning Department report clearly identifies the previous site uses as having high probability of residual hazardous materials in site soils, including gasoline storage tanks left over when the corner was occupied by a gas station. Only the thorough soil testing that is mandated by a full ElR will support a finding of "no significant effect" to the environment.

Further, the report ingenuously uses a "global" (e.g., San Francisco) perspective, rather than a community one, in regard to project generated pollution. When hazardous soil is excavated it blows through the shipboard sidings of stick Victorian houses of the type that line Hill Street and local residents suffer. When streets and walkways become construction storage sites for at least 18 months, the locals suffer. When delivery trucks idle for hours because the project is off schedule, the neighborhood environment is degraded.

The scale of the Project, because of the high potential for hazardous material being released coupled with the lack of explicit delineation of environmental mitigation measures, make a full EIR necessary.

Foundation and Excavation

The proposed project goes underground by 17 feet. This impervious structure would raise the near term effects of liquefaction on adjacent properties. Without an independent geo-technical and structural review the neighbors face an increase risk of foundation movement due to the increase in sub surface water pressure. Inadequate information was presented to the preparer of this report to determine these effects.

The rear yard is being used for a trash area. This is not the open space that was intended by the drafters of the legislation. The current restaurant, which the developer admits is smaller than the new one, has twice the trash area of the proposed.

CUFEL (*California UNIFORM* Retail *Food Facilities Law) requires that trash areas be enclosed. Additionally the trash area must be enclosed so that a connection to the sanitary sewer or grease intercept can be made. Runoff water from trash can wash down cannot be left to run out to the street.*

This is a poor precedent to be setting in the neighborhood. There are a half a dozen other lots that will follow. In fact many of the existing historic buildings that currently exist will be more profitable if they are torn down. The purpose of the planning code is not to increase economic pressure to demolish historic structures in the neighborhoods and replace them with cookie cutter south of market structures.

From: Stephanie Weisman Artistic Director/Founder of The Marsh
To Whom It May Concern:

As a cultural anchor to the upper Valencia Corridor since 1990, we at The Marsh our concerned about the impact of the proposed development at Hill and Valencia. We own our current location, next to it at 1062 Valencia where we have been doing business since 1992.
The Marsh presents events seven days a week between the house of 9 am and 11 pm every day. This includes nearly 400 shows annually on our two stages, daily classes for youth and adults, and a box office/café that is also open daily.

We are concerned with disruption of any of our services including power, sewage, water and electric, during the construction period. As a nonprofit theater, our financial resources are limited and any interruption of our performances, classes or services due to construction issues will be devastating. Additionally, due to the nature of our programming and services, we cannot tolerate sound bleed from the construction.

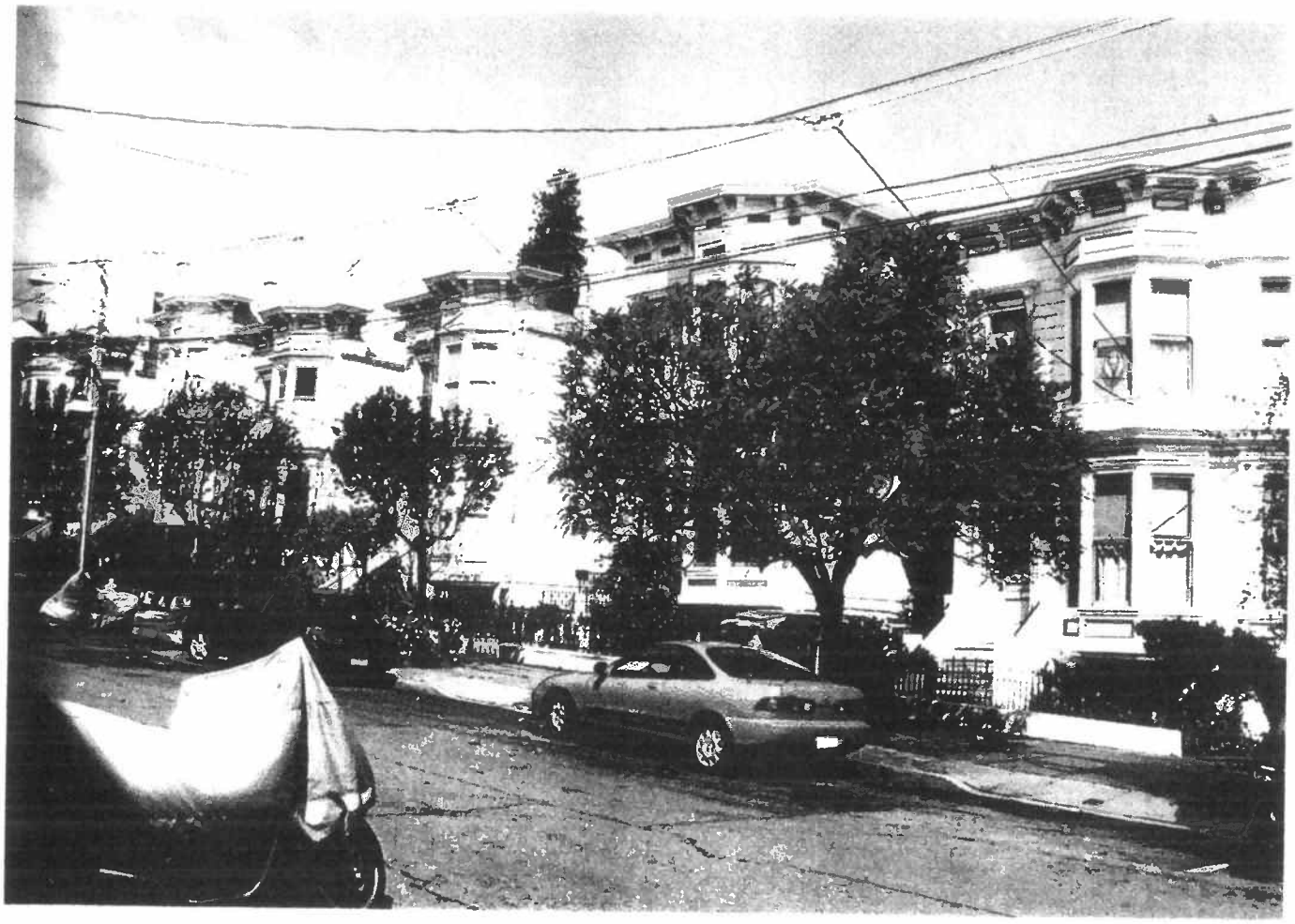
If the project goes forward as designed, with the development up against our building, any sound bleed from the apartments, roof deck and balconies will impact our ability to present live performances and events. That means it impacts our ability to survive.

The projected building will also impact the quality of our space as it puts us in the shadow of the five floor development eliminating all sunlight and air flow from the Hill Street side as well as potential signage from that direction.

Parking is already a problem in the area and we are concerned with an increase in parking needs created by the proposed building.

This building is taller than any building on our block. Does this make architectural sense for our community? The Mission Creek marsh has already been destroyed. Please do not impact the Valencia Corridor's "urban" Marsh with an overgrown behemoth of a development that dwarfs and suck the life out of its neighborhood.

Stephanie Weisman
Artistic Director/Founder
The Marsh
1062 Valencia Street
San Francisco, CA 94110
(415) 282-6024
www.themarsh.org



Hill Street 2007

SAN FRANCISCO
PLANNING DEPARTMENT

Revisions from Preliminary Mitigated Negative Declaration shown by Double Underlining and ~~Strikethrough~~

Mitigated Negative Declaration (Amended July 1, 2010)

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

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Planning
Information:
415.558.6377

Date of PMND:	February 10, 2010
Case No.:	**2007.1457E**
Project Title:	**1050 Valencia Street**
Zoning:	Valencia Street Neighborhood Commercial Transit District (Valencia Street NCT) 55-X Height and Bulk District Mission Alcoholic Beverage Special Use Subdistrict
Block/Lot:	3617/008
Lot Size:	3,315 square feet
Project Sponsor	Shizuo Holdings Trust
Contact:	Mark Rutherford – (415) 368-7818
Lead Agency:	San Francisco Planning Department
Staff Contact:	Jeremy Battis – (415) 575-9022 Jeremy.Battis@sfgov.org

PROJECT DESCRIPTION:

The proposed project involves the demolition of an existing 1,670-square foot (sq ft), 23-foot-high, one-story commercial building constructed in 1970, in use as a full-service restaurant, and construction of a new 17,000-sq ft, 55-foot-high, five-story, mixed-use building containing 16 dwelling units over a 3,500 sq ft ground-floor and basement level full-service restaurant. The existing building has one off-street parking/loading space, accessed from Hill Street, which would ~~not change.~~be eliminated. The project site is within the block bounded by Valencia Street to the east, 21st Street to the north, Guerrero Street to the west, and 22nd Street to the south at the southwest corner of Valencia and Hill Street, a midblock street in the Mission District neighborhood.

The proposed project would require a rear yard modification by the Zoning Administrator to eliminate the rear yard requirement.

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 environmental effects (incorporated within the relevant subsections of **Section E**, Evaluation of Environmental Effects).

cc: Mark Rutherford, Project Sponsor
Bevan Dufty, Supervisor, District 8
Distribution List
Bulletin Board
Master Decision File

TABLE OF CONTENTS

List of Figures

List of Tables

LIST OF ACRONYMS

5-Yr WWCIP	5-Year Wastewater Capital Improvement Program
AB 32	Assembly Bill 32: California Global Warming Solutions Act of 2006
BAAQMD	Bay Area Air Quality Management District
bgs	Below Ground Surface
CARB	California Air Resources Board
CDMG	California Division of Mines and Geology
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CO	Carbon Monoxide
CO_2E	Carbon Dioxide Equivalents
Corps	U.S. Army Corps of Engineers
dBA	A-weighted Decibel(s)
DBI	Department of Building Inspection
DPH	San Francisco Department of Public Health
DPW	Department of Public Works
ERO	Environmental Review Officer
ESA	Environmental Science Associate
FEMA	Federal Emergency Management Agency
FIRMs	Flood Insurance Rate Maps
GHGs	Greenhouse Gases
HEPA	High Efficiency Particulate Air Filter
HUD	Department of Housing and Urban Development
ISCOTT	Interdepartmental Staff Committee on Traffic and Transportation
LEED®	Leadership in Energy and Environmental Design
LOS	Level of Service
LUFT	Leaking Underground Fuel Tank
MEA	Major Environmental Analysis
MRZ-4	Mineral Resource Zone 4
MSL	Mean Sea Level
NCD	Neighborhood Commercial District
NCT	Neighborhood Commercial Transit District

NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NOx	Nitrous Oxide
NPDES	National Pollutant Discharge Elimination System
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PM	Particulate Matter
PV	Solar Photovoltaic
ROG	Reactive Organic Gases
SFFD	San Francisco Fire Department
SFHA	Special Flood Hazard Area
SFMTA	San Francisco Municipal Transportation Agency
SFPUC	San Francisco Public Utilities Commission
SMP	Site Mitigation Plan
SOx	Sulfur Oxides
SUD	Special Use District
TACs	Toxic Air Contaminants
UST	Underground Storage Tank

INITIAL STUDY
Case No. 2007.1457E – 1050 Valencia Street Project

A. PROJECT DESCRIPTION

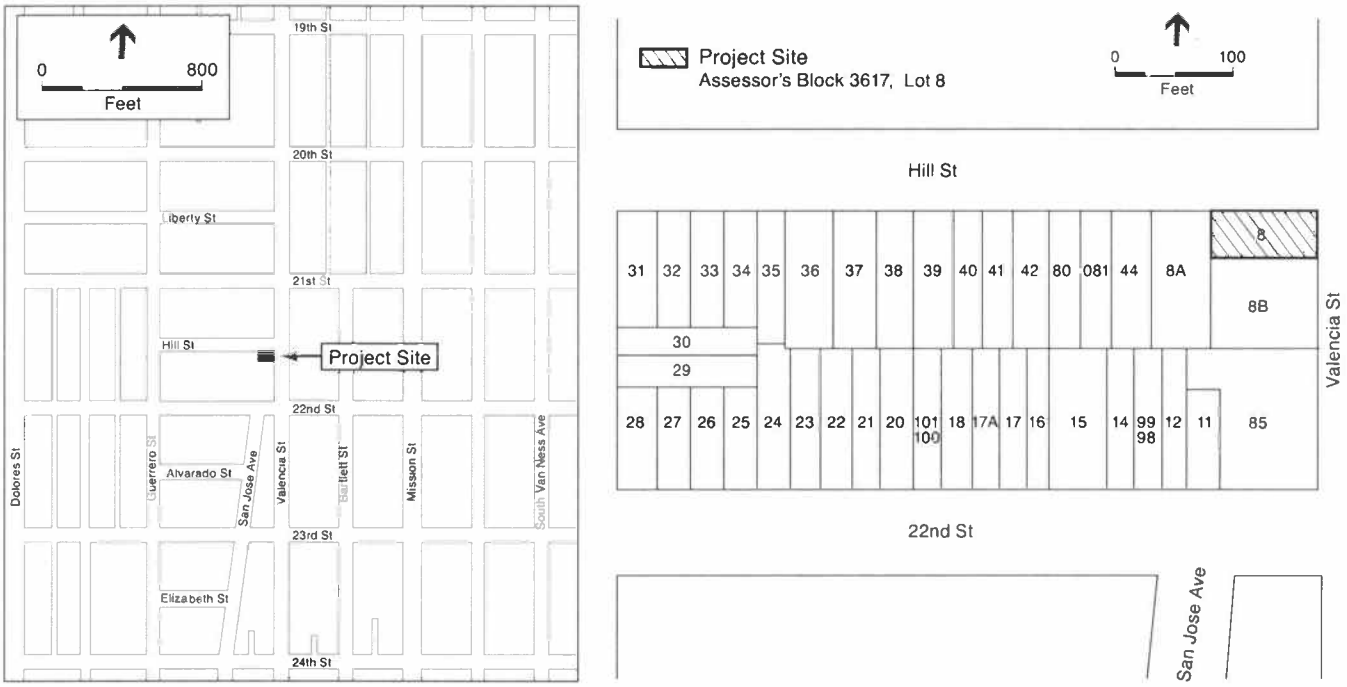
Summary

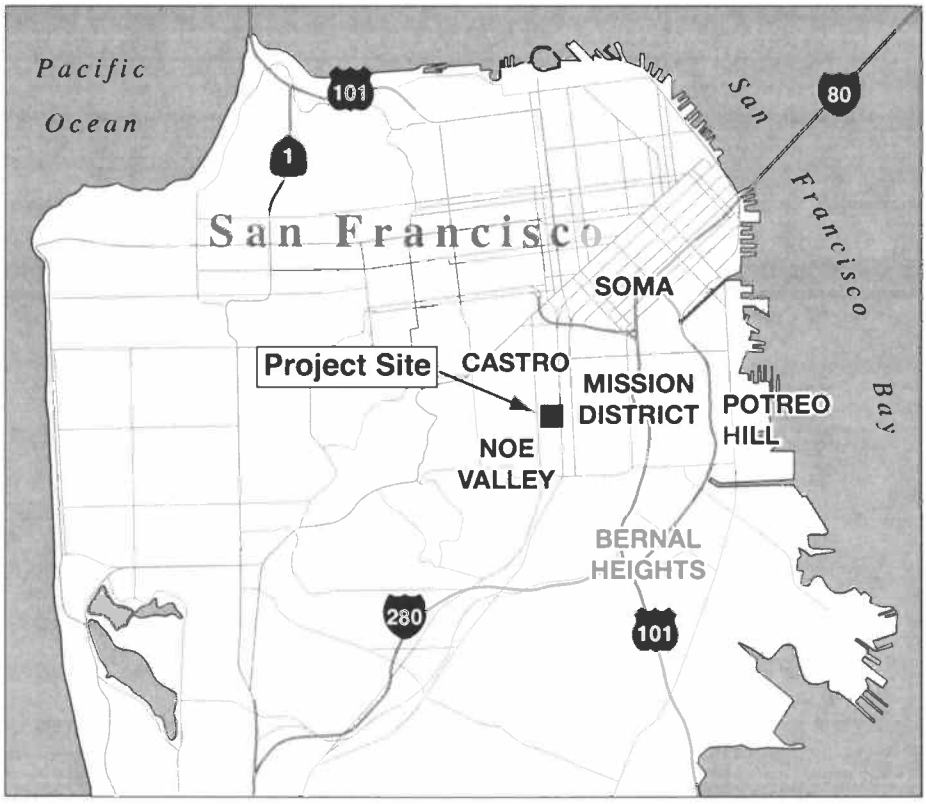
The 3,315-square-foot project site (Assessors Block 3617, Lot 008) is located at 1050 Valencia Street, in San Francisco's Mission District neighborhood. The proposed project would demolish an existing one-story commercial building at the southwest corner of the intersection of Valencia and Hill Streets and construct a five-story mixed-use building in its place, consisting of an approximately 3,500-square-foot retail space (intended for restaurant uses) on the ground floor and part of the basement and 16 dwelling units above. In addition to retail and residential uses, the project would also include approximately ~~1,460~~ 1,350 square feet of common open space for residents and ~~640~~ 680 additional square feet of open space in the form of private residential decks. ~~One commercial loading space, accessible from Hill Street, would also be provided.~~ No parking or loading spaces would be provided as part of the project. The proposed mixed-use structure would be five stories tall, reaching a height of approximately 55 feet above grade to the roofline (along Valencia Street), with an additional 9 feet to the top of the rooftop features (exempt from the height limits for this zoning district).

The project site is currently occupied by a 1,670-square-foot, one-story, approximately 12-foot-tall building and one off-street parking/loading space. The building was constructed in 1970 and is of a contemporary commercial architectural style, consisting of a shingled roof, concrete block construction, and aluminum frame commercial windows.

Project Location

The approximately 3,315-square-foot project site (Assessor's Block 3617, Lot 008) is at the southwest corner of Valencia Street and Hill Street in San Francisco, on a block bounded by 21st Street to the north, Valencia Street to the east, Guerrero Street to the west, and 22nd Street to the south (see **Figure 1**). According to the project sponsor, the existing full-service restaurant "Spork" moved into the building in mid-2006, prior to which a Kentucky Fried Chicken franchise existed on the property. Adjacent to the existing building, one mature street tree is located along the Valencia Street frontage, with two additional trees along the Hill Street frontage.





SOURCE: ESA; San Francisco Planning Department

1050 Valencia Street . 209044

Figure 1
Project Location

The project site is located within the Valencia Street Neighborhood Commercial Transit District (Valencia Street NCT) (formerly the Valencia Street Neighborhood Commercial District, or NCD), a new zoning designation that became effective January 2009 with adoption of the Eastern Neighborhoods Area Plan. The Valencia Street NCT is situated approximately along Valencia Street between 14th and Cesar Chavez Streets, extending to Dolores Street and including a portion of 16th Street. It is designated to provide a mix of convenience goods to the residents of the Mission District and Dolores Heights neighborhoods as well as a variety of durable goods (such as wholesale home furnishings and appliances) to wider areas of the city. Consistent with the zoning objectives of the district, the land uses, lots, and buildings sizes within the Valencia Street NCT are also mixed, and include commercial, retail and entertainment establishments, among others. The Valencia Street NCT controls are designed to permit moderate-scale buildings and uses and to preserve rear yards above the ground story and at stories having residential use. The Valencia NCT controls encourage neighborhood-serving commercial uses on the ground level and residential uses above.[1] The project site is also located within the Mission Alcoholic Beverage Special Use District (SUD) and the 55-X Height and Bulk District (55-foot maximum height, no bulk limits).

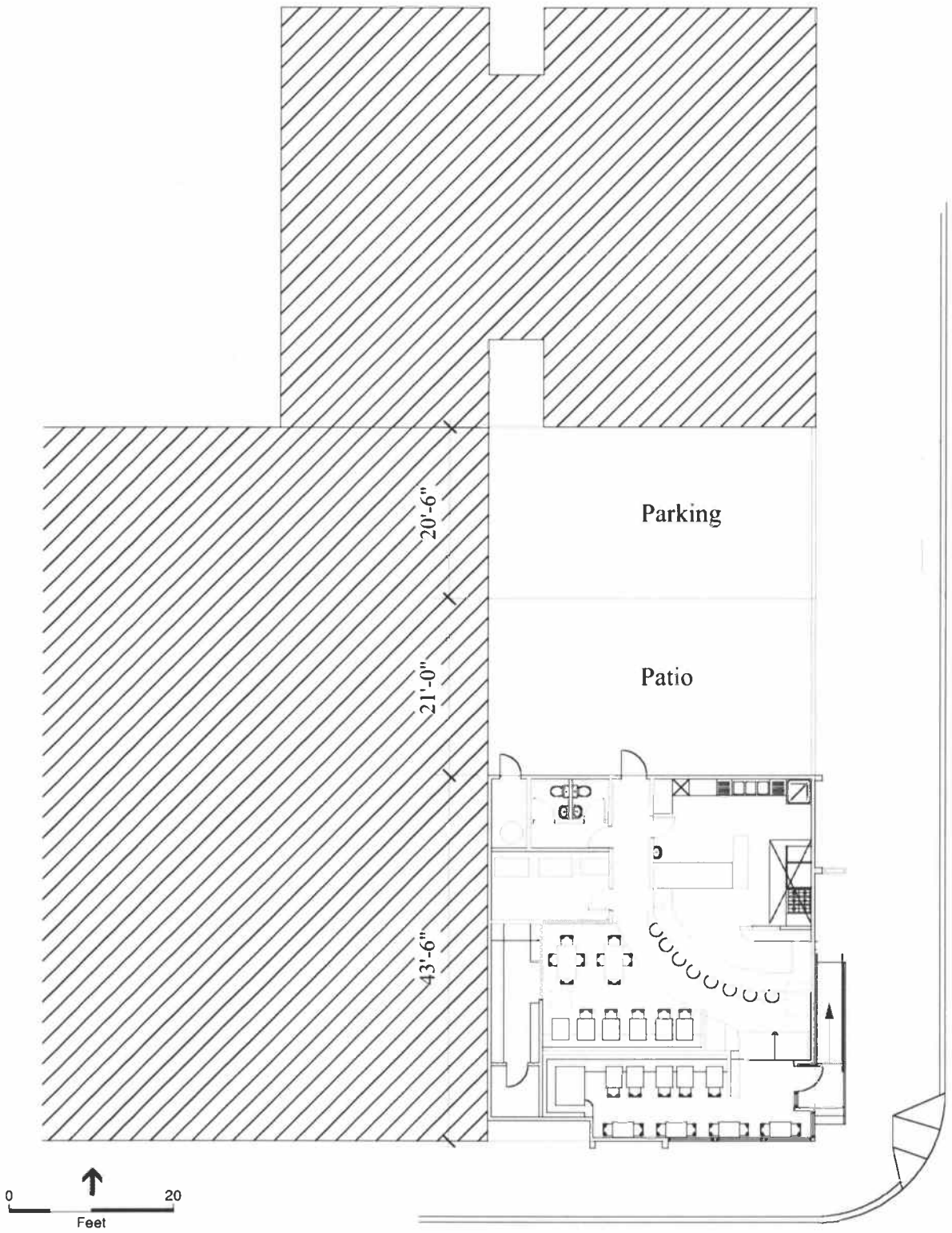
Surrounding the project site, land uses are representative of the Valencia Street NCT and along Valencia Street consist primarily of neighborhood-serving commercial (including office and retail) uses on the ground level with residential units above. Along Hill Street, land uses are residential and are in the form of single-family homes and multi-unit apartment buildings, most within the two- to three-story range.

The closest freeway to the project site is Highway-101 with on- and off-ramps located one and one half miles from the project site.

Existing Building

As noted above, the project site is currently developed with a single, one-story commercial (restaurant) structure that is approximately 12 feet in height and approximately 1,670 square feet (see **Figures 2** and **3**). The building was constructed in 1970, and is of a contemporary commercial architectural style, consisting of a painted stucco façade with a ceramic-clad mansard roof and non-operable aluminum

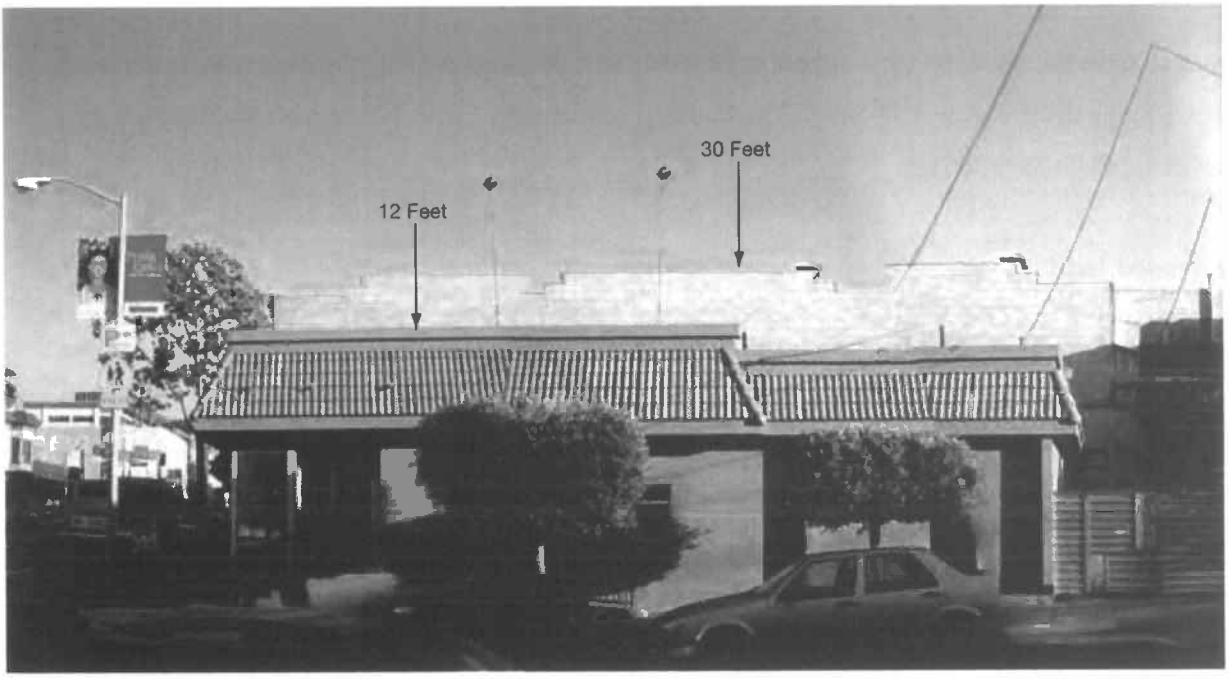
[1] *Planning Code* Section 726.1, Valencia Street Neighborhood Commercial Transit District.



SOURCE: Stephen Antonaros Architect

1050 Valencia Street . 209044

Figure 2
Existing Site Plan



SOURCE: ESA

1050 Valencia Street . 209044

Figure 3
Photos of Existing Building

frame commercial windows (that appear to be fixed). One off-street parking /loading space is accessed from a single driveway on Hill Street. The building contains the Spork Restaurant, which employs a total of approximately 20 staff.

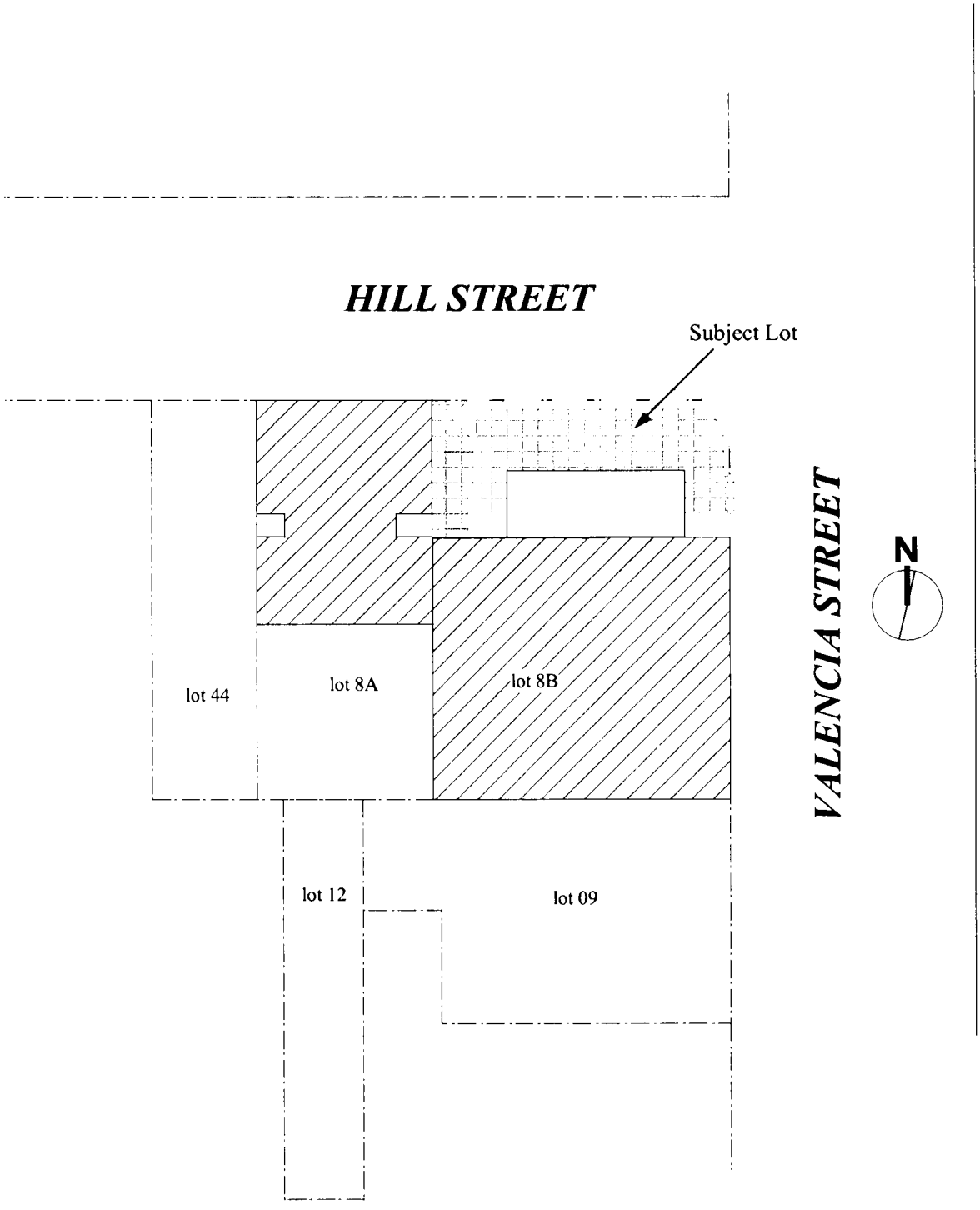
Proposed Project

Shizuo Holdings Trust (project sponsor) proposes to demolish the existing one-story building on the site and construct in its place an approximately ~~16,000~~ 14,800-square-foot, five-story mixed-use structure that would cover the entire lot (see **Figure 4**). The ground floor of the structure and a portion of the basement would contain a 3,500-square-foot commercial space (assumed to be in the form of a restaurant) with floors two through five containing a total of 16 residential units. The residential unit mix would consist of eight studios and eight two-bedroom units, with two of each type of unit on every residential floor. A ~~1,460~~ 1,152-square-foot rooftop deck would provide common open space to the residents. In addition, four of the dwelling units would have private decks, which would encompass a total of ~~640~~ 680 square feet (combined). The rooftop deck would be accessible only to building residents. The proposed structure would be approximately 55 feet in height to the roof, with rooftop features, including the mechanical penthouse for the elevator overrun, extending an additional nine feet above the roofline. See **Table 1**, below and **Figures 4** through **6**.

TABLE 1
PROJECT CHARACTERISTICS

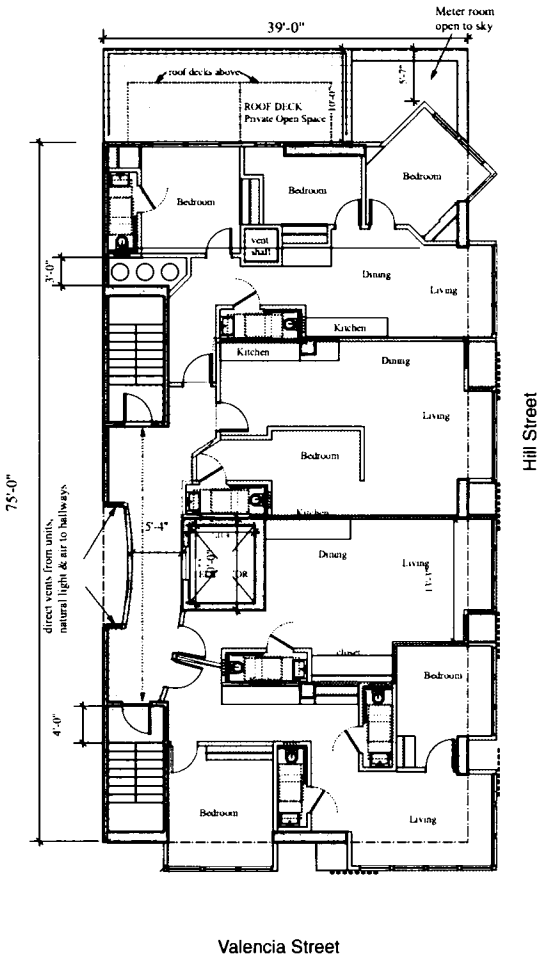
Use	Area (square feet)
Retail (restaurant)	3,500
Residential Uses	9,830 ~~10,400~~
Basement	1,500
Total	**14,830 ~~16,040~~ (not including rooftop deck)**
Open Space (total)	1,832 ~~2,100~~
Dwelling Units	16 total
Studios	8
Two-bedroom units	8
Height of Building (max.)	55 feet to rooftop, plus 9 feet for elevator overrun
Number of Stories (max.)	5 plus rooftop terrace

SOURCE: Stephen Antonaros Architects

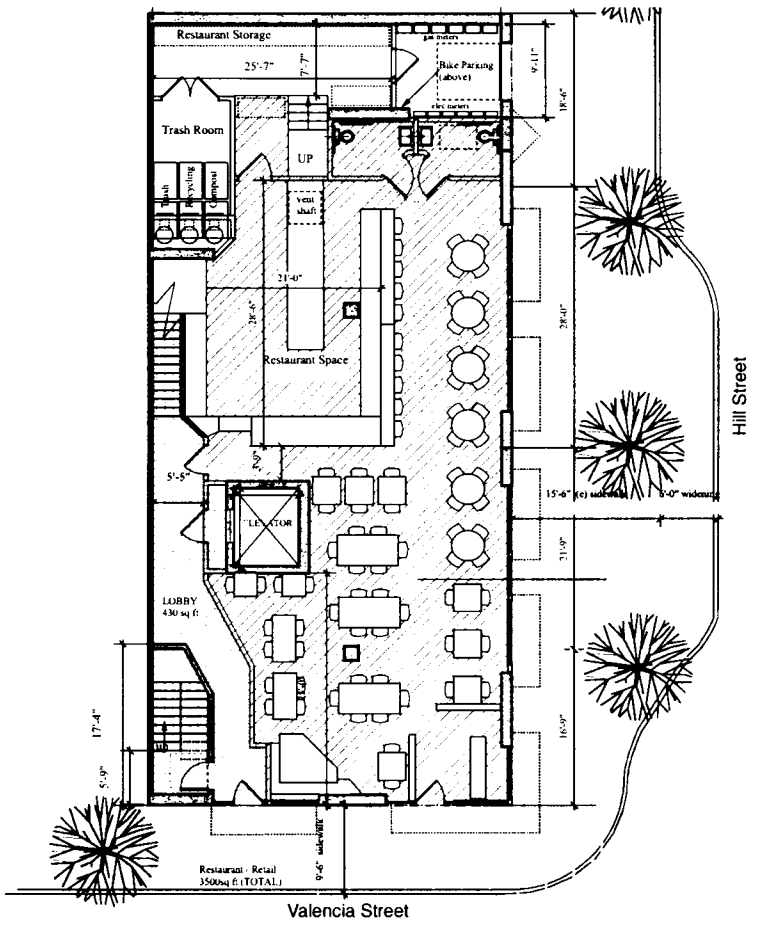


1050 Valencia Street . 209044

Figure 4
Proposed Building Footprint within the Context of Surrounding Lots and Adjacent Buildings



Typical Floor Plan

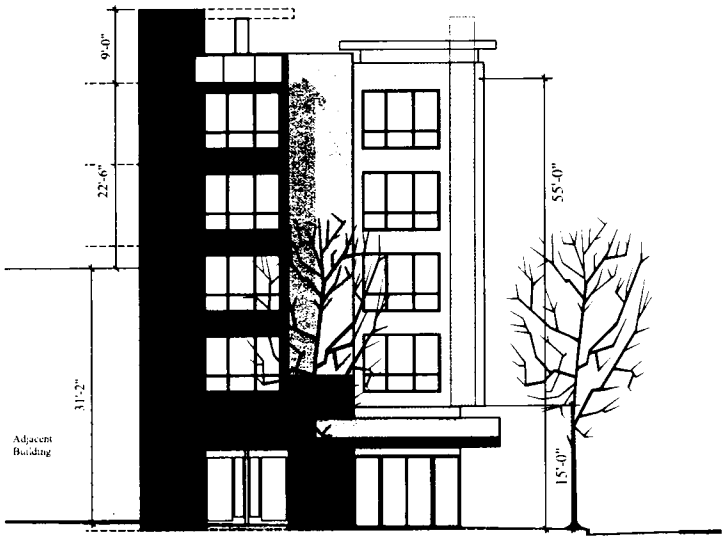


Ground Floor Plan

SOURCE: Stephen Antonaros Architect

1050 Valencia Street . 209044

(revised) **Figure 5**
Project Floor Plans



Valencia Street Elevation

Hill Street Elevation

SOURCE: Stephen Antonaros Architect

1050 Valencia Street . 209044

(revised) **Figure 6**
Project Eleveations

The main entrance to the building for restaurant patrons would be provided ~~at the corner of~~ along Valencia ~~and Hill~~ Streets. A residential entrance would be provided to the south of the restaurant entrance at the southeastern corner of the building, also on Valencia Street, and would lead into a small lobby with a residential elevator. ~~Vehicular entrance would be provided via an existing curb cut on Hill Street.~~ As part of the project, the sponsor is also proposing to widen a portion of the sidewalk along Hill Street by about six feet by extending the bulbout into the existing parking lane. This proposal would result in the loss of two on-street parking spaces. The project sponsor would apply for a sidewalk widening permit with the Department of Public Works and the Municipal Transportation Agency.

During the construction phase of the proposed project, the existing restaurant on the project site would be temporarily relocated to another (yet undecided) location. At the completion of the project, Spork Restaurant would have the option to reoccupy the new space, an option that Spork's owners have indicated they intend to exercise.[2] At project completion, Spork would increase the number of employees in the new building by about 10, resulting at total of 30 employees in the new restaurant.

The sponsor intends to pursue a LEED® (Leadership in Energy and Environmental Design) certification for this project under the LEED® for New Construction program. LEED® is a nationally recognized standard for high performance "green" buildings. The LEED® green building certification is administered by the US Green Building Council and incorporates sustainable design concepts across four key areas of human and environmental health: sustainable site development, energy efficiency, materials selection, and indoor environmental quality (in addition to innovative strategies to achieve further sustainability). The proposed project would include the following features that would enable it to meet LEED® certification: a solar array on the roof, LED lighting in retail and residential areas, heat pump/fan coils as the heating source in residential units, water harvesting and vegetation on the roof, recycled finish materials, and recycled lumber and fly ash concrete for the construction of the structure.[3]

[2] Rutherford, Mark, Shizuo Holdings Trust, letter, January 30, 2009. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2007.1457E.

[3] Antonaros, Stephen, project architect, personal communication with ESA, August 11, 2009.

Parking, Loading, and Bicycle Facilities

The existing property on the project site contains a total of one off-street parking/loading space, which is accessed through a curb cut and driveway along Hill Street. The proposed project would ~~provide one off-street parking/loading space for use by the restaurant. The project~~ eliminate the existing off-street parking/loading space and would not provide off-street ~~any residential vehicular~~ parking ~~spaces~~ or off-street loading. Other than the proposed six-foot widening of the sidewalk along a portion Hill Street, no other street modifications would be required to accommodate the proposed project. The proposed project would provide 20 bicycle storage lockers in the basement, available to residents and restaurant employees.

During the construction phase of the proposed project, worker parking would occur off-site. No designated parking for construction workers would be provided and they would be expected to park at meters or along nearby non-metered streets.

Landscaping

Three existing mature Bay Laurel trees are located adjacent to the project site, although no trees currently exist on the site itself. One of the Laurels which is located along the site's Valencia Street frontage and two trees along the site's Hill Street frontage would be replaced as part of the proposed project. In addition, the sponsor proposes to plant two additional street trees along Hill Street, in accordance with Planning Code Section 240, and would also provide ornamental vegetation on the proposed Hill Street bulbout.

Foundation and Excavation

The project would excavate approximately 17 feet below the ground surface (bgs) for construction of the below-grade basement, and remove about 5,525 cubic yards of soil. The project sponsor proposes to install a mat foundation to support the proposed structure, which requires no pile driving during the construction.

Project Approvals and Schedule

The project sponsor is seeking modification of the Plan Code provision governing the configuration of rear yards (Planning Code Sec 134(e)) to provide open space in a configuration other than a rear yard

(i.e., roof deck). The project would also require demolition and building permits, which would require review and approval by the Planning Department and Department of Building Inspection.

Demolition of the existing structure on the site and the construction of the proposed project are estimated to take 18 months from ground breaking, which is anticipated to occur in mid-2012. The project would be constructed in one continuous phase, with all construction materials accommodated on site and on the adjacent Valencia and Hill Street sidewalks.

B. PROJECT SETTING

The project site is located near the center of San Francisco, in the Mission District neighborhood, within the Valencia NCT. The Valencia NCT lies approximately one mile east of U.S. Highway 101, along Valencia Street between 14th and Cesar Chavez Street, and includes a portion of 16th Street extending west toward Dolores Street. Within the Valencia NCT is an approximately mile-long corridor with active ground-floor commercial uses known as the "Valencia corridor," extending roughly from 15th Street to the north to 24th Street to the south. This area includes many retail, restaurant, and entertainment uses that in recent years have been replacing heavy commercial and light industrial uses. In March 1999, Valencia Street was converted from a four-lane, two-way arterial to a two-lane, two-way street with a center turn-lane median. In winter 2010, additional capital improvements such as new "bulb-outs" at corners, wider sidewalks, and removal of the center median to portions of Valencia Street were underway by the city to further encourage pedestrian and bicycle activity while calming traffic.[4]

Land uses in the surrounding neighborhood along Valencia Street and the nearby parallel Mission and Guerrero Streets (one block to the east and west, respectively) include restaurant, retail, small offices, residential, institutional, educational, recreational, and light industrial uses as well as mixed-use buildings generally with residential units above one or more of the noted non-residential uses. Along Valencia Street, the project block includes several restaurants, a print shop, an auto body shop, several boutique offices, a gym, a liquor store and a public administration building (the Social Security Office building). Along the east-west oriented streets (such as Hill Street, 20th, 21st, 22nd Streets) the land uses are predominantly residential. Common buildings in the area include many three-story Victorian-era two- and three-family structures, larger Victorian- and Edwardian-era multifamily buildings with

[4] Source: http://www.sfmta.com/cms/ocalm/34725.html. Accessed on February 5, 2010.

ground floor retail or restaurant use, early 20th century, approximately 20-foot-high masonry garage buildings typically still in use for automotive repair, and one- and two-story mid- to late-20th century commercial buildings of non-distinctive architectural character, and more recently constructed contemporary mixed-use buildings with residential uses above ground floor commercial uses.

The peak of Bernal Hill is approximately one mile to the southeast of the project site, and Liberty Hill rises to the west. The Valencia retail district extends to the north and south of the site, approximately one half mile in either direction.

The Eastern Neighborhoods Area Plans and accompanying *Planning Code,* Zoning Map and *Administrative Code* changes, including the Mission Area Plan, became effective January 19, 2009, adopted by the Board of Supervisors and signed by the Mayor. The plans call for about half of existing industrial areas in four neighborhoods to transition to mixed use zones that encourage new housing. The remaining half would be reserved for "Production, Distribution and Repair" districts. The primary goals of the Mission Area Plan are to preserve diversity and vitality of the Mission neighborhood; increase the amount of affordable housing; preserve and enhance the existing Production, Distribution and Repair businesses; preserve and enhance the unique character of the Mission District neighborhood's distinct commercial areas; promote alternative means of transportation to reduce traffic and auto use; improve and develop additional community facilities and open space; and minimize displacement.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	Not Applicable
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☒	☐
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.	☒	☐

Planning Code

The *San Francisco Planning Code* (*Planning Code*), which incorporates by reference the city's Zoning Maps, governs permitted uses, densities and the configuration of buildings in San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the

proposed action conforms to the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*, or a reclassification of the site occurs.

Approval of the proposed project would result in a demolition of the existing one-story commercial building at the southwest corner of the intersection of Valencia and Hill Streets and construction a five-story mixed-use building consisting of an approximately 3,500-square-foot retail space on the ground floor and part of the basement and 16 dwelling units above. The proposed mixed-use structure would be five stories tall, reaching a height of approximately 55 feet above grade to the roofline (along Valencia Street), with an additional 9 feet to the top of the rooftop features. A portion of the fifth story would be set back about 21 feet from the eastern façade.

The project is located in the Valencia NCT District which was established on January 18, 2009, with the adoption of the Eastern Neighborhoods Plan by the Board of Supervisors under Ordinance No. 298-08. The requirements associated with the Valencia NCT District are described in Section 726 of the *Planning Code* with references to other applicable articles of the *Planning Code* as necessary (for example for provisions concerning parking, rear yards, street trees, etc.). Prior to January 18, 2009, the project site was subject to the zoning provisions of the former Valencia NC District. The Valencia Street NCT District is similar to the former Valencia NC District in that both permit moderate-scale buildings and uses, encourage commercial development at the ground floor, and encourage housing in new buildings above the ground level. Any resulting potential impacts of the proposed development and applicable Planning Code provision are discussed below under the relevant topic headings.

Uses

As noted above, the project site, at 1050 Valencia Street, is within the Valencia Street NCT District, a linear district that lies along Valencia Street between 14th and Cesar Chavez Streets and includes a portion of 16th Street extending toward Dolores Street. As noted above, the Valencia Street NCT provides a limited selection of convenience goods for the residents of Mission and Dolores Heights neighborhoods as well as wholesale furniture and appliance outlets for a wider region. It also contains a variety of eating and drinking establishments as well as professional and business offices. Residential units are common throughout the district and many are located above ground stories. Housing development in new buildings is encouraged above the ground story.

Within the Valencia NCT, commercial uses on the ground floor and residential uses above ground floor, as proposed by the project, are principally permitted.[5] The Valencia Street NCT does not have any residential density requirements. The project, as proposed, would be consistent with the objectives and requirements of the Valencia Street NCT.

Height and Bulk

The project site is within a 55-X Height and Bulk District. This district allows a maximum building height of 55 feet, and has no bulk limit. The proposed project would be 55 feet high, measured from ground level to the top of the roof, with various rooftop elements, such as stair and elevator penthouses, that are exempt from the height limit, extending nine feet as allowable under Section 260 (b)(1)(A) of the *Planning Code*. Therefore, the proposed structure would comply with the 55-X Height and Bulk District.

Street Trees

Planning Code Section 143 requires that for every 20 feet of property frontage along each street, one 24-inch box tree be planted, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. The proposed project would plant ~~one~~ two Brisbane box (a type of a *Eucalyptus* commonly planted as a street tree throughout San Francisco) trees along Hill Street to be in compliance with Section 143. Additional tree plantings along Valencia Street would not be possible, however, because the project site is located on a corner lot and no trees are permitted within 15 feet of the corner and also because the location of sidewalk fixtures would prohibit a tree planting along the Valencia Street frontage.

Rear Yard Requirements

Planning Code Section 134 requires a rear yard equivalent to 25 percent of total lot depth at all residential levels. The proposed project would provide open space within a roof deck and private residential decks, not within a rear yard. Therefore, the project applicant is requesting a modification of the rear yard requirement by the Zoning Administrator pursuant to Planning Code Section 134(e) to allow for open space in a configuration other than a rear yard.

5 *Planning Code* Sec. 726.1, Valencia Street Neighborhood Commercial Transit District.

Parking & Loading

According to *Planning Code* Section 726.1, off-street parking for residential or commercial uses in the Valencia Street NCT is not required, although for residential uses, 0.5 parking spaces per unit are principally permitted and up to 0.75 parking spaces per unit are permitted with a conditional use authorization. For restaurant uses, up to one parking space per each 200 square feet of occupied floor area is principally permitted. The proposed project would not provide any residential or commercial parking spaces~~, and would provide one commercial parking/loading space, accessible via the Hill Street curb cut~~.

Plans and Policies

San Francisco General Plan

In addition to the *Planning Code* and its land use zoning requirements, the project site is subject to the *San Francisco General Plan (General Plan)*. The *General Plan* provides general policies and objectives to guide land use decisions. Section E, Evaluation of Environmental Effects, discusses conflicts between the proposed project and policies that relate to physical environmental issues. The Planning Commission will consider the compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues as part of their approval or disapproval decision. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project. The following discussion summarizes some of the *General Plan* policies applicable to the proposed project.

The San Francisco Planning Commission adopted an updated Housing Element of the *General Plan* in May 2004. The San Francisco Board of Supervisors approved the Housing Element in September 2004, and the State Department of Housing and Community Development certified the Element in October 2004. In June 2007, however, the First District Court of Appeals ruled that the City should have prepared an EIR on the updated Housing Element. Therefore this Initial Study refers to relevant policies of both the 2004 Housing Element and the 1990 Residence Element (the next most recent version).

The 2004 Housing Element of the *General Plan* "sets forth objectives, policies, and implementing programs to address the critical housing needs" of the City. The 2004 Element addresses the City's goals "of achieving decent, suitable, and affordable housing for current and future San Franciscans." The City intends to address the issues of housing production and affordability in part through a

Citywide Action Plan (CAP), which "explores comprehensively the issue of how to meet the need for housing and jobs in ways that capitalize upon and enhance the best qualities of San Francisco as a place." CAP initiatives include (among others) the Better Neighborhoods Program and planning for the Downtown Neighborhoods; these initiatives do not include the project site.

The objectives of the 2004 Housing Element address new housing supply, housing retention, housing conditions, affordability, housing choice, homelessness, density/design/quality of life, and State and regional needs. With regard to housing production, Policy 1.1 of the 2004 Housing Element encourages higher residential density in areas adjacent to downtown and locating housing in areas well served by transit. This policy is similar to Policy 1.1 in the 1990 Residence Element; the 2004 Housing Element also calls for allowable densities in established residential areas to be set at levels that will promote compatibility with prevailing neighborhood scale and character.

Relevant housing affordability policies in the 2004 Housing Element include Policy 4.2, which calls for affordable units in larger housing projects. This policy is the same as Policy 7.2 in the 1990 Residence Element. Density/design/quality of life policies in the 2004 Housing Element include Policy 11.1, a new policy which calls for using new housing as a means to enhance neighborhood vitality and diversity, and Policy 11.5, which promotes well-designed housing that enhances existing neighborhood character. The corresponding policy in the 1990 Residence Element calls for housing that conserves existing neighborhood character.

The proposed project would contribute about 16 units to the City's housing supply, thereby helping to meet City and regional housing needs. In addition, the proposed project would comply with the City's Residential Inclusionary Affordable Housing Program requirements (City *Planning Code* Section 315, et seq.), either by including two below-market-rate (BMR) units on-site, by making an in-lieu payment, or by constructing three units off-site. Several Muni lines serve the project site. The project would include ground-floor commercial uses that could enhance the streetscape along Valencia Street. The project would increase the density of the project site and vicinity, as the proposed buildings would be taller than the existing uses on the project site.

The proposed project would conform to Objectives 1, 3, and 4 of the Urban Design Element. The proposed five-story structure would meet the existing height controls on the project site, would be

compatible with nearby height districts, and would not obstruct any public scenic views or vistas. The proposed building would complement the city pattern and improve the neighborhood environment.

The proposed project would be consistent with Objectives 1, 4, 11, and 24 of the Transportation Element. The project site is located in a higher density area of the city well served by public transit. The ground-floor commercial spaces would create a pedestrian-oriented building frontage. The proposed project would generally comply with Objective 1 of the Commerce and Industry Element. It would encourage economic growth through infill development, thereby, enhancing the area's livability by redeveloping an existing structure with a building that would include residential units above a ground-floor commercial (restaurant) space. The proposed project would comply with San Francisco's *Building Code.* As a result, it would minimize the risk to property from natural disasters and reduce the risk of social, cultural, or economic dislocations, thereby complying with Objective 2 of the Community Safety Element. The proposed project would be generally consistent with the Recreation and Open Space Element because it would not cause significant new shadow on public open spaces and it would plant street trees that would expand the urban forest.

Priority Policies

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to *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 8 a and b, Wind and Shadow, and Questions 9a and c, Recreation).

Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (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.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below, for which mitigation measures would be required to reduce potentially significant impacts to less than significant. The following pages present a more detailed checklist and discussion of each environmental factor.

☐ Land Use	☐ Air Quality	☐ Hydrology and Water Quality
☐ Aesthetics	☐ Recreation and Public Space	☒ Hazards/Hazardous Materials
☐ Population and Housing	☐ Utilities and Service Systems	☐ Mineral and Energy Resources
☐ Cultural and Paleontological Resources	☐ Public Services	☐ Agricultural Resources
☐ Transportation and Circulation	☐ Biological Resources	☒ Mandatory Findings of Significance
☐ Noise	☐ Geology, Soils and Seismicity	

E. EVALUATION OF ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist that have been checked "Less than Significant Impact," "No Impact" or "Not Applicable" indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that topic. A discussion is included for those issues checked "Less than Significant Impact" and for most items checked with "No Impact" or "Not Applicable." For all of the items checked "Not Applicable" or "No Impact" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department's *Transportation Impact Analysis 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 the impacts of the proposed project both individually and cumulatively.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
1. LAND USE AND LAND USE PLANNING— Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☒	☐
c) Have a substantial impact upon the existing character of the vicinity?	☐	☐	☒	☐	☐

a. Established Community. The 3,315-square-foot project site is located at the southwest corner of Valencia Street and Hill Street in San Francisco's Mission District neighborhood (see **Figure 1**). The project site is currently occupied by a 1,670-square-foot, one-story restaurant, an 800-square-foot patio, and one existing off-street loading/parking space. The site slopes slightly downward from the southwest to the northeast.

The proposed project would be developed on a corner lot, and would involve demolition of the existing building and its replacement with a larger five-story structure consisting of an approximately 3,500-square-foot retail space (intended for restaurant uses) on the ground floor and part of the basement and 16 dwelling units above. In addition to retail and residential uses, the project would also include approximately ~~1,460~~ 1,152 square feet of common open space for residents and ~~640~~ 680 additional square feet of open space in the form of private residential decks. ~~One commercial parking/loading space, accessible from Hill Street, would also be provided.~~ The proposed project would intensify the use of the project site, given that the existing building is only one story of commercial space with no dwelling units, but would not alter the general land use pattern of the immediate area, which includes two- to three-story single-family residences and multi-story flats and apartment buildings.

Land use impacts are considered to be significant if the proposed project would physically divide an established community. The proposed project would be incorporated within the established street plan and would not create an impediment to the passage of persons or vehicles. Accordingly, the proposed project would not disrupt or divide the physical arrangement of the neighborhood.

At present, numerous buildings with residential use above a ground restaurant exist along Valencia Street. The proposed project would establish a mixed-use structure within proximity to other similar mixed-use establishments, and would therefore not introduce an incompatible land use to the area. For these reasons, the proposed project would not be anticipated to divide an established community.

b. Consistency with Plans and Zoning. Land use impacts are also considered to be significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those, like the *Bay Area Air 2005 Ozone Strategy,* which directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy. Furthermore, the proposed project would not conflict with the San Francisco *General Plan* policies that relate to physical environmental issues.

The project site is located within the Valencia Street Neighborhood Commercial Transit District (Valencia Street NCT) (formerly Valencia Street NCD) and Mission Alcoholic Beverage SUD, and within the 55-X Height and Bulk District (55-foot maximum height, no bulk limits). As previously discussed, land uses in the project area are mixed, and contain commercial, residential, institutional and light industrial uses. Within the project area, Valencia and Hill Street land uses include office and retail uses, light industrial and single- and multi-family residential buildings. The project would generally be consistent with the Valencia NCT, which considers eating and drinking establishments to "contribute to the street's mixed character" and contains "a sizable number of upper-story residential units" (*Planning Code* Section 726.1).

The project would also be generally compatible with the Mission Area Plan and accompanying *Planning Code,* Zoning Map and Administrative Code changes that occurred as part of the Eastern Neighborhoods Rezoning and Area Plans effort, which became effective on January 19, 2009, when it was adopted by the Board of Supervisors and signed by the Mayor.

c. Character. Finally, land use impacts are considered to be significant if the proposed project would have a substantial impact upon the existing character of the vicinity. The implementation of the proposed project would not be considered a significant impact because the site is within the Valencia NCT zoning district, where the proposed uses are principally permitted and would be compatible with

existing uses on adjacent and surrounding properties. Although the proposed project would result in a more intensified land use than currently exists on the site, it would not introduce a new or incompatible land use to the area. As discussed in the Project Setting section of this document, the project site area's mixed-use character includes a wide variety of uses and area includes a number of relatively large structures containing ground floor retail with multiple dwelling units above.

The proposed 16 unit building would not result in a significant impact for a number of reasons. As noted in *Planning Code* Section 726.1, Valencia-NCT, the district has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. The Valencia Street controls are designed to promote development that is compatible with the surrounding neighborhood. The zoning controls permit moderate-scale buildings and uses, protect rear yards above the ground story, and encourage commercial development at the ground story and housing development above the ground story. The proposed residential use and ground floor restaurant uses would be consistent with this pattern. The proposed project would not be substantially or demonstrably incompatible with the existing multi-family residential and commercial uses in the project area.

Currently, there are several proposed projects along the Valencia Street corridor in proximity to the project site. Specifically, the Planning Department is reviewing, or has recently completed review, of the following projects:

- 411 Valencia Street, Case File No. 2005. 0888E – construction of a six-story mixed-use building, with 24 residential units, 1,330 square feet of residential space, and 16 off-street parking spaces;
- 700 Valencia Street, Case File No. 2005.0351E – construction of a five-story building over basement with nine residential units, 1,740 sq ft of ground floor commercial space and nine parking spaces;
- 736 Valencia Street, Case File No. 2005.0937E – construction of a five-story building with 8 residential units, approximately 750 sq ft of retail space and 8 parking spaces; and
- 3500 19th Street, Case File No. 2005.0490E – construction of a five-story building with 17 residential units, approximately 2,800 square feet of retail space and 17 parking spaces.

The above-described projects as well as the proposed project are all located in the Valencia NCT zoning district and within a 55-X Height and Bulk District. Additionally, the proposed projects are all within the parameters of the types of development permitted and encouraged by the zoning controls for the Valencia NCT (Section 726.1 of the *Planning Code*).

In conclusion, although the scale of the proposed building, including its bulk and massing, would be larger than the existing building that would be demolished, it would be similar in size to several other structures that exist in the project area, including the five-story mixed-use structure at 1043 Valencia Street (across Valencia Street from the project site). Moreover, in general, the proposed project would not constitute a change in land use patterns and would be compatible with the overall character of the Mission neighborhood. Thus this impact would also be considered less than significant.

Cumulative Land Use Impacts. The project would not result in any significant cumulative land use or planning impacts, since it would cause no change in the mix of land uses in the vicinity, and thus could not contribute to any overall change in neighborhood character or any overall conflict with applicable environmental plans. Furthermore, this project would not combine with other projects in the vicinity to physically divide an established community, conflict with applicable plans and policies adopted to avoid or mitigate environment effects, or change the existing character of the vicinity.

Given all of the above, the project would have a less than significant individual and cumulative land use impact.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
2. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐
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?	☐	☐	☒	☐	☐

a. and b. Effects on Scenic Vista and Scenic Resources. Public views of the project site are primarily from Valencia and Hill Streets (see **Figure 7**). Because the existing building on the site is one story in height, it is generally visible only from a relatively close range. Longer-range views of the project site

View of the project site from Valencia and 21st Streets looking south

View of the project site from Valencia and Hill Streets looking southwest

View of the project site from Hill Street looking east

View of the project site from Valencia and 22nd Streets looking north

SOURCE: ESA

1050 Valencia Street . 209044

Figure 7

Views of the Project Site

are mostly blocked by intervening buildings due to the dense, urban character of the area. Views of the project site from Valencia Street, to the north and south of the project site, at close proximity to the building, are of the existing building's painted stucco façade, large aluminum frame fixed windows, and the ceramic-clad mansard roof. Similar views are also available from Hill Street, to the north, in addition to the corrugated metal approximately 6-foot-high wall that separates the patio area from the Hill Street sidewalk. The existing building on the site is shorter than many of the surrounding buildings, is partially blocked by the trees on the adjacent sidewalks, and does not feature any unique visual characteristics that make it particularly noticeable. Therefore, it tends to blend in with the visually diverse surrounding urban environment.

The proposed project would replace views of the existing restaurant building on site with views of the proposed larger mixed-use structure. The proposed building would be built to lot lines on all four sides up to fifth story, at which point the building would set back from the eastern property line by about 21 feet. ~~and~~ The building would extend about 55 feet in height, with 9 additional feet to the top of the elevator penthouse. The relatively short-range views of the existing building would be replaced by views of the taller contemporary structure, containing a flat roof, repeating bays, and a projected eave over a recessed entryway on the corner of Valencia and Hill Streets (see **Figure 6**). On both the Valencia and Hill Street facades, the building would contain large aluminum-frame fixed and casement windows on residential levels and large aluminum-frame commercial windows on the ground floor. Views from Valencia Street would also include the residential entryway, while views from Hill Street would also include the larger "roll-up"-style door to the bicycle and storage/waste/recycling areas as well as the fifth story setback ~~proposed driveway and loading space~~. Although these views would differ from what is currently seen on the site, they would not constitute a significant visual impact as they would be consistent with the diverse visual character of Valencia Street, would fall within the range of architectural styles that predominate in the project area (light-industrial, contemporary office, and multiple residential styles) and would be apparent only from about one to two blocks surrounding the site. Thus, the proposed structure would not contribute to any potential cumulative degradation or obstruction of views from public areas. However, at five stories, the project would not be particularly noticeable in light of the assortment of heights found along Valencia Street and along some of the side streets in the neighborhood.

For instance, a five-story mixed-use structure already exists at 1043 Valencia Street (across Valencia Street from the project site) and a seven-story residential building exists on 21st Street between Valencia and Mission Streets (one and one half blocks northeast of the project site).

available elsewhere in the neighborhood, where most buildings are constructed to the property line. In an urban area, such as the project neighborhood, the loss of some existing private views and light is not generally considered a significant adverse effect on the environment because limited views and lighting are commonplace in densely developed urban neighborhoods and generally accepted as a part of urban living.

c. Visual Character. The project would conform to the site's 55-X Height and Bulk District controls and would be larger in scale and visually prominent compared to some of its existing surroundings; however buildings of this size and scale exist along Valencia and nearby streets. A new larger visual element, by altering the existing character or quality of a site or of its surroundings, does not in and of itself constitute a significant impact. While the proposed project would be visible to neighboring residents and workers, the new structure would be visually similar to other uses in the project vicinity in terms of its building materials, massing, and height. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings, nor would it contribute substantially to any potential cumulative negative aesthetic effect.

d. Substantial Light and Glare. The project site would be more noticeable at night than under existing conditions because the project would introduce more lighting to the site, which would be visible through windows and at building entries. Exterior lighting at building entryways would be positioned to minimize glare, and lighting would not be in excess of that commonly found in urban areas. The project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Therefore, environmental effects of light and glare due to the project would not be significant.

Cumulative Aesthetic Impacts. The project would not result in any significant cumulative aesthetic impacts because the new building would not be large enough to be seen from most locations outside the immediate vicinity. Moreover, as an infill project of relatively small scale in the context of San Francisco, the proposed new building would be consistent with the overall pattern of development in the area. In terms of other proposed projects along the Valencia Street corridor in close proximity to the project site (as described on page 22), the 1050 Valencia project would not be visible from locations several blocks away where these projects are proposed.

residential units would increase the residential population on the site by approximately 28 persons.[6] While potentially noticeable to immediately adjacent neighbors, this increase would not result in a substantial impact on the population of the City and County of San Francisco. The 2000 U.S. Census indicates that the population in the project vicinity is approximately 5,427 persons.[7] The proposed project would increase the population near the project site by an estimated 0.5 percent, and the overall population of the City and County of San Francisco by less than 0.01 percent.[8]

In addition, the project's 3,500 square feet of retail (restaurant) space would generate approximately 30 employees (compared to approximately 20 employees currently employed by the existing restaurant), which, added to the proposed project's residential use, would result in an on-site population increase of about 38 people. The employment on the project site would not be of the type that would be anticipated to attract new employees to San Francisco. Therefore, it can be anticipated that most of the employees would live in San Francisco (or nearby communities), and that the project would thus not generate demand for new housing for the retail employees. In the context of the average household occupancy of the Mission District neighborhood, the proposed project would not be considered to result in a "substantial" population increase. In light of the above, the project would not be expected to induce a substantial amount of growth, either individually or cumulatively.

San Francisco consistently ranks as one of the most expensive housing markets in the United States. It is the central city in an attractive region known for its agreeable climate, open space, recreational opportunities, cultural amenities, diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support strong housing demand in the City. New housing to relieve the market pressure is particularly difficult to provide in San Francisco because there is a finite amount of land available for residential use, and because land and development costs are high. The project would comply with the City's Inclusionary Housing Program (Planning Code Sec. 315 et. seq.), and therefore, would result in creation of affordable housing in addition to market-rate housing.

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6 The project site is located in Census Tract 207, which is generally bounded by 17th Street to the north, 22nd Street to the south, Valencia Street to the east and Dolores Street to the west. The population calculation is based on Census 2000 data, which estimates 1.93 persons per household (1.81 per rental unit and 2.53 per owner-occupied unit) in Census Tract 207. It should be noted that this census tract has somewhat smaller households than the citywide average of 2.3 persons per household.

7 The population estimate is based on data from the 2000 Census for Census Tract 207.

8 This calculation is based on the estimated Census 2000 population of 776,733 persons in the City and County of San Francisco.

national, state, or local registers of historical resources, but is of a recognizable commercial design widely employed by the national fast food chain that operated a Kentucky Fried Chicken outlet at the site from approximately 1970 to 2006. Also, the existing building is not listed in Article 10 or Article 11 of the San Francisco Planning Code, and is not listed on any citywide historical resources survey. It should be noted that, although the project site is not within the Liberty Street Historic District, it is adjacent to the district (discussed in further detail below).

Based on information within the Phase I environmental site assessment conducted for the site, it is known that the project parcel contained a number of land uses prior to construction of the existing building. From 1925 until 1936, a three-story residential building occupied the project site. This building was demolished in 1936, and from at least 1950 until 1965, the property was occupied by an automotive service station, an auto repair shop, and a tire shop. As stated in the Phase I investigation, Sanborn Fire Insurance Maps from 1950 and 1965 indicate that west and south portions of the property were occupied by a structure labeled as "Auto Service" and "Tire Service" and the northern and northeastern portion of the site were labeled as "Gas & Oil." The service station structure was demolished in 1969. There is no evidence to suggest that the project site is associated with any historic event or notable persons, businesses, or organizations.

In light of the above and given the existing building's relatively recent construction date of 1970, it cannot be considered a historic resource. Because the existing building is not a historic resource, its proposed demolition would not result in a significant effect, individually or cumulatively.

Liberty-Hill Historic District. The project site is located in close proximity to (one parcel from) the City-designated Liberty-Hill Historic District, roughly bounded by Mission, Dolores, 20th and 22nd Streets. The district is considered to be "one of the earliest residential 'suburbs' to be developed in San Francisco" and contains a range of housing types, from the architecturally uniform two-story Italianate "workingman's cottages" along Lexington and San Carlos Streets to the distinctive Stick and Italianate style homes found along Hill and Liberty Streets and Queen Anne homes that line Fair Oaks Street, which vary in facade and setback. Some of the structures within the district were designed by locally well-known architects, including Albert Pissis, the Newsom brothers, Charles Shaner, William H. Toepke, Charles Havens, and Charles J. Rousseau.[9]

[9] *Planning Code*, Article 10, *Preservation of Historical Architectural and Aesthetic Landmarks.*

c. and d. Paleontological and Geological Resources and Human Remains. There are no known paleontological resources, human remains, or unique geologic features at the project site. The project site is underlain by engineered fill, which is not considered paleontologically sensitive or geologically unique. Therefore, the project would not be expected to result in any adverse effects on these resources.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
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)?	☐	☐	☒	☐	☐
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 models)?	☐	☐	☒	☐	☐
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?	☐	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☒	☐	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐	☐
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	☐	☐	☒	☐	☐
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?	☐	☐	☒	☐	☐

The project is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topic 5c is not applicable to the project.

The project site is located at the southwest corner of the intersection of Valencia and Hill Streets, on the block bounded by 21st Street to the north, Valencia Street to the east, Guerrero Street to the west, and 22nd Street to the south. Valencia Street, a two-way north-south roadway, has 82½ feet of right of way (building edge to building edge, including sidewalks), which includes one 10½-foot-wide lane in each

Muni lines (49-Mission-Van Ness, 14-Mission, 14L-Mission Limited, 49-Mission-Van Ness, and 48-Quintara/24th Street) and BART lines that exist in the project vicinity. Trips by walking and other modes, such as bicycling, would be relatively limited in number (approximately 16 in the peak hour) and would be accommodated by existing street and sidewalk conditions.

Pedestrian and Bicycle Circulation. Pedestrian access to the residential component of the proposed project would be via a residential entrance on Valencia Street, while pedestrian access to the retail component would be from ~~the corner~~ a second entrance ~~at~~ on Valencia ~~and Hill~~ Streets. Sidewalks in the project area have adequate capacity and are not congested; therefore, no pedestrian impacts would be anticipated. The project would provide 20 bicycle parking spaces (all in the basement), which would exceed the requirement of *Planning Code* Sec. 155.5, which requires one Class 1 bicycle parking space per every two dwelling units. In the project vicinity, there are designated bicycle routes on Valencia Street (Class 2) and 22nd Street. As adequate bicycle access and parking would be provided within the project, bicycle impacts would not be significant.

The project's incremental contribution to traffic and transit ridership and to travel by other modes would be too small to make a considerable contribution to any potential cumulative effects, and therefore cumulative effects would be less-than-significant.

f. Parking and Loading. The project would not provide ~~one~~ any off-street commercial or residential parking or ~~/~~loading spaces. ~~which, as mentioned above, would be accessible from Hill Street. No parking spaces would be provided to accommodate residential uses.~~ Based on the *SF Guidelines*, peak parking demand, which would occur in the evening and at night, would be about 34 spaces, resulting in a shortfall of about 34 spaces, since none would be provided. Parking is generally limited in the Mission District neighborhood and near the project site. Existing on-street parking adjacent to the project site and along Valencia and Hill Streets appears to be at capacity. Both sides of the Valencia Street are metered, while both sides of Hill Street are limited to 2-hour parking (between the hours of 9 a.m. and 8 p.m.) without an S Zone residential parking permit.

Under *California Public Resources Code* Section 21060.5, "environment" means "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance." San Francisco does not consider parking supply part of the permanent physical environment. Parking conditions are not static,

~~driveway on Hill Street.~~ This would be consistent with *Planning Code* Section 152, which does not require any loading spaces for retail establishments under 10,000 square feet or for apartment buildings under 100,000 square feet. In the event that two or more loading vehicles need to access the site at the same time, one or more would either park on Valencia Street or Hill Street or possibly double park on Hill Street. Such occasional double-parking would not be expected to significantly impede traffic or cause safety concerns. Likewise, trash and recycling pickup would not adversely affect traffic.

Construction Impacts. Project construction would last approximately 18 months. During the construction period, temporary and intermittent transportation 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 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. Any temporary sidewalk closure proposed during construction would be subject to review and approval by the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) and the Department of Public Works (DPW).

Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 4:00 p.m. and 6:00 p.m. would coincide with peak hour traffic and could impede traffic flow. To the extent possible, truck movements should be limited to the hours of 9:00 a.m. and 3:30 p.m. to minimize disruption of the general traffic flow on adjacent streets.

A revocable encroachment permit from DPW would be required if materials storage and/or project staging is necessary within the rights-of-way of any surrounding streets. No bus stop relocation would be necessary.

During project construction, the approximately ten construction workers would rely on on-street parking in the project vicinity. Temporary parking demand from construction workers' vehicles and impacts on local intersections from construction worker traffic would occur in proportion to the number of construction workers who would use automobiles, but would not be expected to substantially affect parking conditions in the project vicinity. This impact would be limited to the estimated 18-month construction period.

Cumulative Transportation and Circulation Impacts. In terms of other proposed projects along Valencia Street corridor in close proximity to the project site (as described on page 22), the

- The San Francisco Noise Ordinance (Article 29 of the Police Code, as amended in November 2008), which outlines the City's policy to prohibit unnecessary, excessive, and offensive noises from all sources subject to police power. Sections 2907 and 2908 of Article 29, enforced by the Department of Building Inspection, regulate construction equipment and construction work at night, while Section 2909, enforced by the Department of Public Health, provides for limits on stationary-source noise from machinery and equipment.

- California's Building Standards Code (Title 24 of the California Code of Regulations, which at the local level is enforced by the Department of Building Inspection) establishes energy efficiency standards for residential and non-residential building. Title 24 also contains noise insulation standards that require new multi-unit and hotel/motel structures to meet an interior noise level not exceeding 45 dBA (Ldn) in any habitable room and, where such units are proposed in areas subject to outdoor noise levels in excess of than 60 dBA (Ldn), acoustical studies must be conducted that demonstrate that the design of the building will reduce interior noise to 45 dBA (Ldn) or less. If compliance with the required interior noise levels would only occur with windows closed, an alternative means of ventilation must be provided.

- The *San Francisco General Plan,* which contains Land Use Compatibility Guidelines for Community Noise in its Environmental Protection Element.[17] These guidelines, which are similar to 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" outside noise level without incorporating noise insulation into a project is 60 dBA (Ldn), while in areas where noise levels exceed 60 dBA, a detailed analysis of noise reduction requirements is typically necessary prior to final review and approval, and new construction or development of residential uses typically requires that noise insulation features be included in the design. Above noise levels of 65 dBA (Ldn), residential development is generally discouraged but, if permitted, noise insulation must be included in the design. The guidelines also indicate that commercial development such as retail establishments, movie theaters and restaurants, should be discouraged at noise levels above 77 dBA (Ldn).[18,19]

- In addition, the EIR for the recently published *Eastern Neighborhoods Rezoning and Area Plan EIR* (Case No. 2004.0160E, Final EIR certified August 7, 2008), which covers the Mission District neighborhood in which the project site is located, contains mitigation measures intended to reduce potential conflicts between existing noise-generating uses and new sensitive receptors. One such measure requires the evaluation of the noise environment around any site where a noise-sensitive use is proposed, in advance of the first approval of such use, as well as conflicts

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

[18] 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).

[19] The residential guidelines are based on maintaining an interior noise level of interior noise standard of 45 dBA, Ldn, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

closed. In addition, "z-ducts"—which allow for passive ventilation while acting as noise baffles to minimize the passage of exterior noise—would be incorporated into each unit's exterior wall. This would allow for ventilation with windows closed, thereby reducing exterior noise that would otherwise enter a unit. DBI would review project plans for compliance with Title 24 noise standards and would not issue building permits until compliance is achieved.

While the General Plan discourages siting new sensitive noise receptors in areas above 60 dBA, the proposed residential use would be considered an infill development that is in keeping with the existing surrounding uses and pattern of development and is a principally permitted use within the applicable NCT zoning district. Furthermore, as stated above, the project sponsor would incorporate building features that would reduce interior noise levels within the dwelling units. Given the above, potential environmental impacts associated with locating sensitive receptors in an area that currently exceeds acceptable ambient noise levels for residential uses would be less than significant.

The project's common outdoor use area (the rooftop deck) as well as private decks would be exposed to noise generated by traffic along Valencia Street. However, this impact would not be considered significant since all decks would be limited to project residents, who could choose not to use the decks during periods of excessive noise. 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.

a. – d. 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 18 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Impacts would generally be limited to the period during which new foundations and exterior structural and facade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls.

As noted above, construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*). 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

November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, of 5 dBA in excess of the ambient noise level at the property line. Compliance with Article 29, Section 2909, would minimize noise from building operations. Furthermore, an existing restaurant on the property currently uses mechanical equipment that would be similar to what would be used by the new restaurant, resulting in minimal change in noise levels due to restaurant equipment. Based on the above, the 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.

Cumulative Noise Impacts. As discussed above, cumulative noise impacts related to construction of or operation of the proposed project would be considered less than significant. In light of the above, noise-related effects would be less than significant.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
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?	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐
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)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☒	☐	☐	☐

The proposed project would be located within the San Francisco Bay Area Air Basin (Bay Area) which is designated as a nonattainment area for the state and federal ozone standards as well as the state particulate matter (PM-10 and PM-2.5) standards. The Bay Area is either in attainment or unclassified with respect to all other state and federal standards. As required by state and federal law, the 2001 Bay Area Ozone Attainment Plan and the 2005 Bay Area Ozone Strategy have been prepared to address

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 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 sponsors 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 of DBI. 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

could lead to local carbon monoxide hotspots, particularly during peak traffic hours. According to the BAAQMD, local carbon monoxide hotspots can occur for projects in which: 1) vehicle emissions of CO would exceed 550 pounds per day, 2) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F, 3) project traffic would increase traffic volumes on nearby roadways by 10 percent or more (unless the increase is less than 100 vehicles per hour), or 4) have roadways within 500 feet of the project site with traffic volumes of 100,000 vehicles per day or more. As the net increase in peak hour traffic generated by the project would be very minimal and well below 100 vehicles per hour (23 net new trips during the p.m. peak hour), none of the intersections in the vicinity of the project site meet any of the first three criteria. Moreover, the project's 23 net new p.m. peak-hour vehicle trips would not measurably affect CO concentrations. Hence further analysis of local carbon monoxide concentrations was not conducted and would not be required.

With respect to the operational-phase of the project, emissions would be generated primarily from motor vehicle trips to the project site and emissions from stationary equipment, to a lesser extent. The BAAQMD CEQA Guidelines consider a project's impact on the regional air quality to be significant if the ROG, NOx or PM-10 emissions exceed a significance threshold of 80 pounds per day. Generally, projects generating less than 2,000 trips per day are not expected to generate emissions that would exceed the BAAQMD significance thresholds (BAAQMD, 1999).

The proposed project site is currently occupied by a 1,670-square-foot restaurant. The proposed mixed-use building would result in a net increase of approximately 157 daily vehicle trips (as compared to the existing uses). The net increase of 157 vehicle trips per day would generate emissions that would be well below the BAAQMD significance thresholds. Therefore, the project would not significantly affect air quality in the region, conflict with, or obstruct implementation of the applicable Air Quality Attainment Plans. While project-related motor vehicle emissions would contribute incrementally to regional ozone and PM concentrations, the effect would not be cumulatively considerable.

Any stationary sources on site would be subject to the BAAQMD Rules and Regulations. Compliance with BAAQMD Rules and Regulations would ensure that the project would not conflict with or obstruct implementation of the applicable air quality plans.

The California Energy Commission (CEC) estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of carbon dioxide-equivalent GHG emissions.[28] 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 23 percent and industry at 13 percent. In the Bay Area, fossil fuel consumption for transportation (on-road motor vehicles, off-highway mobile sources, and aircraft) is likewise the 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 (including office and retail uses) were the second largest contributors of GHG emissions with about 34 percent of total emissions. Electricity production accounts 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.[29]

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 GHGs 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.[30]

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

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[28] 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/cc/inventory/inventory.htm. Accessed January 22, 2010.

[29] BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007*, December 2008. Available on the internet at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_003_000_000_000.ashx.

[30] California Air Resources Board (CARB), *Climate Change Scoping Plan: A Framework for Change*, December 2008 Available on the internet at: http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm. Accessed December 11, 2008.

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; 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.*[32] 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

[32] 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.

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 CO_2 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.[33]

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

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

Impacts. Although neither the BAAQMD nor any other agency has adopted significance criteria for evaluating a project's contribution to climate change,[34] 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."[35] 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 the California Resources Agency has adopted amendments to the CEQA Guidelines to incorporate analysis of effects of GHG emissions. [36]

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)).

[34] 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.

[35] 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.

[36] 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.

The proposed project would increase activity onsite by demolishing the existing one-story structure on the site and constructing a mixed-use building containing restaurant and residential uses. Therefore, the project would contribute to annual long-term increases in GHGs as a result of traffic increases (mobile sources) and operations associated with heating, energy use, water usage and wastewater treatment, and solid waste disposal (area sources). Construction of the project would emit approximately 227 tons of CO_2E.[38,39] Direct project CO_2E emissions (including CO_2, methane, and nitrous oxide emissions) would include 213 tons of CO_2E/year from transportation and 33 tons of CO_2E/year from heating, for a total of 246 tons of CO_2E/year of project-emitted GHGs. The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 51 tons of CO_2E/year) and from anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 124 tons of CO_2E/year), for a GHG emissions total of approximately 421 tons of CO_2E/year. Annual emissions would represent less than one-thousandths of one percent (0.001 percent) of total Bay Area GHGs emitted in 2002.[40]

The above calculations do not take into account reductions in GHG generation that would be anticipated as a result of the project's proposed US Green Building Council Leadership in Energy and Environmental Design (LEED) certification (see Project Description). Although the exact measures have not yet been determined, the project would incorporate best management practices and innovative technologies in sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality where feasible. As a result, GHG emissions would be anticipated to be lower than for a comparable non–LEED-certified building.

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

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38 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.

39 ESA, *1050 Valencia Street Project Greenhouse Gas Emissions Calculation*, July 9, 2009. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2007.1457E.

40 The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2002 at approximately 85 million CO_2E tons. Bay Area 2002 GHG emissions are used as the baseline for determining whether a project's contributions are significant as these are the most recent emissions inventory for the Bay Area.

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 project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance, requiring at least 65 percent of all construction and demolition material to be diverted from landfills, as well as the Mandatory Recycling and Composting Ordinance; (4) the project would plant new trees, thereby potentially aiding in carbon sequestration;[43] and (5) the proposed project would achieve LEED® certification, which would further reduce its short- and long-term impact on global climate change.

Given that: (1) the project would not contribute significantly to global climate change such that would impede the State's ability to meet its GHG reduction targets under AB 32, or impede San Francisco's ability to meet its GHG reduction targets under the Greenhouse Gas Reduction Ordinance (and would not exceed the BAAQMD's proposed significance threshold); (2) San Francisco has implemented programs to reduce GHG emissions specific to new construction; and (3) current and probable future state and local GHG reduction measures will likely reduce a project's contribution to climate change, the project would not contribute significantly, either individually or cumulatively, to global climate change.

Roadway-Related Exposure to 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 roadways. 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 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

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

located over 1,500 meters east of the project site. For these reasons, the project is not subject to the San Francisco Health Code provisions in Article 38 and this impact would be less than significant.

e. Odors. As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations. No such uses are currently located within the project vicinity, nor does the project propose uses that would generate objectionable odors. The residential uses are not expected to omit substantial odors and proposed restaurant uses would replace an existing restaurant on the site. Therefore, no noticeable new odors are expected to occur with the implementation of the proposed project.

In light of the above, effects related to air quality would not be significant.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
8. WIND AND SHADOW—Would the project:					
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☒	☐	☐
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☒	☐	☐

a. Wind. Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The nature of development in the project vicinity is generally small-scale and the project would not result in adverse effects on ground-level winds. Additionally, the proposed project would plant one additional Brisbane box (a type of a *Eucalyptus*) tree along Hill Street, further reducing wind speeds in the project vicinity and regulating the immediate climate. Accordingly, the proposed project would result in a less-than-significant wind impact.

b. Shadow. Section 295 of the *Planning Code* was adopted in response to Proposition K (passed in November 1984) in order to protect public open spaces, under the jurisdiction of the Recreation and Park Commission, from shadowing by new and altered structures during the period between one hour

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
9. RECREATION AND PUBLIC SPACE—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?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐
c) Physically degrade existing recreational resources?	☐	☐	☒	☐	☐

a. – c. Parks and Recreational Facilities. Recreation and Park Department properties in the project vicinity include the Mission Playground (an approximately 1.8-acre park located at 19th and Valencia Street, about two blocks north of the project site), the Alioto Mini-Park (an approximately 0.2-acre park located at 20th and Capp Streets, about four blocks northeast of the project site), the Jose Coronado Playground (an approximately 0.8-acre park located at 21st and Shotwell Streets, about five blocks east of the project site), and the Dolores Park (an approximately 13.4-acre park, located at 20th and Dolores Streets, about five block northwest of the project site). Combined, these facilities provide a wide range of facilities for recreational and passive uses, including tennis and basketball courts, soccer areas, an outdoor swimming pool, play structures, community gardens, walkways, picnic tables and grassy areas.

The proposed project would provide some recreational uses onsite for the residents, in the form of a rooftop terrace and private decks for some units. However, the project would not include any courtyards or rear yards (as noted above, the project would require a rear yard modification per Section 134(e) of the San Francisco *Planning Code*). Residents at the project site would be within walking distance of the above-noted parks and open spaces. Although the proposed project would introduce a new permanent population to the project site, the number of new residents projected would not substantially increase demand for or use of either neighborhood parks and recreational facilities (discussed above) or citywide facilities such as Golden Gate Park, such that substantial physical deterioration would be expected. The permanent residential population on the site and the incremental on-site daytime population growth that would result from the proposed commercial use would not require the construction of new recreational facilities or the expansion of existing facilities.

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.[48] The proposed project would add residential units and commercial uses to the project site, which would incrementally increase the demand for wastewater and stormwater treatment services, but not in excess of amounts expected and provided for in the project area.

The project site is currently covered with impervious surfaces and the proposed project would not create any additional impervious surfaces, resulting in little effect on the total storm water volume discharged through the combined sewer system. While the proposed project would add to sewage flows in the area, it would not cause collection treatment capacity of the sewer system in the City to be exceeded. In light of the above, the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. Therefore, the proposed project would result in a less-than-significant wastewater impact.

Furthermore, in 2005, the San Francisco Public Utilities Commission launched a citywide $150 million 5-Year Wastewater Capital Improvement Program (5-Yr WWCIP) to improve the reliability and efficiency of San Francisco's combined wastewater and storm water system. It is anticipated that over the course of the next few years the 5-Yr WWCIP would help address the most critical needs of the City's aging wastewater system, improving the capacity of sewer mains, upgrading treatment facilities and reducing wastewater odors. The 5-Yr WWCIP is a parallel effort to the upcoming San Francisco Sewer System Master Plan, which would provide a long-term plan to address the entire wastewater system.[49] Therefore, the project would result in a less-than-significant impact to wastewater systems.

d. Water Supply. The proposed project would add residential units and commercial (restaurant) uses to the project site, which would increase the demand for water on the site, but not in excess of amounts expected and provided for in the project area. Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase in demand could be

[48] 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.

[49] San Francisco Public Utilities Commission, http://sfwater.org/msc_main.cfm/MC_ID/14/MSC_ID/119, accessed February 2, 2009.

total waste that requires deposition into the landfill. As discussed previously, San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. Furthermore, the project would be required to comply with City's Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, which requires everyone in San Francisco to separate their refuse into recyclables, compostables, and trash. Given this, and given the long-term capacity available at the Altamont Landfill, the solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would result in a less-than-significant solid waste generation impact.

For the reasons discussed above, utilities and service systems would not be adversely affected by the project, individually or cumulatively, and no significant impact would ensue.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
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?	☐	☐	☒	☐	☐

a. Governmental Facilities and Services.

Fire Protection. The project site receives fire protection services from the San Francisco Fire Department (SFFD). Fire stations located nearby include Station 7, at 19th and Folsom Streets (approximately nine blocks northeast of the project site) and Station 11 at 26th and Church Streets (eight blocks southwest of the project site). The SFFD is made up of 1,629 uniformed firefighters, paramedics, officers, and inspectors. Although the proposed project would increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not be substantial in light of existing demand for fire protection services.

In light of the above, public services would not be adversely affected by the project, individually or cumulatively, and no significant effect would ensue.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
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?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☐	☒

a. and d. Habitat and Wildlife. 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, nor affect any rare, threatened or endangered species. The proposed project would not interfere with species movement or migratory corridors. The proposed project would not conflict with any local policies or ordinances directed at protecting biological resources.

b. Riparian Habitat/Other Sensitive Natural Community. The proposed project is located in a developed area completely covered by impervious surfaces. The project area does not include riparian

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
13. GEOLOGY, SOILS, AND SEISMICITY— 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.)	☐	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐
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?	☐	☐	☒	☐	☐
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?	☐	☐	☒	☐	☐
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?	☐	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒	☐

a. – d. Seismic and Geologic Hazards. The project site is not located in an Alquist-Priolo Special Studies Zone. No known active fault exists on or in the immediate vicinity of the site.[54] 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 investigation performed for the project site concludes that the likelihood of ground rupture is low.[55] The closest active faults are the San Andreas Fault, approximately located about six miles southwest of the project site, and the Hayward Fault, about 12 miles east of the project site.

[54] California State Department of Conservation, Division of Mines and Geology (CDMG) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998,* [http://www.consrv.ca.gov], November 16, 1998, and CDMG, *Fault Rupture Hazard Zones in California* Alquist Priolo Earthquake Zoning Act, Special Publication 42, Revised 1997.

[55] Earth Mechanics Consulting Engineers, Geotechnical Investigation. *Planned Development at 1050 Valencia Street, San Francisco, California.* May 8, 2008. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2007.1457E.

As noted above, a site-specific geotechnical investigation has been performed for the site. The purpose of the geotechnical investigation was to explore subsurface conditions and develop recommendations regarding the geotechnical aspects of project design and construction. According to this report, the project site is underlain by five feet of fill, composed of loose, poorly graded sand with clay, gravel, and rock and brick fragments. Beneath the fill are clayey sands that are loose at a depth of about 6 feet, medium dense at a depth of about 16 feet, and medium dense to dense below about 20 feet. Beneath the clayey sands is a layer of dense, poorly graded sand, which was encountered at a depth of about 42 feet. Beneath this, a layer of very dense brown clayey sand encountered at the maximum depth explored, 43.5 feet.

The geotechnical investigation found no geotechnical factors at the site, which would prohibit the construction of the project as proposed. The report included recommendations to address standard geotechnical practices such as clearing, subgrade preparation, foundation design, and shoring options, which may be required to restrain the sides of the excavation and limit the movement of adjacent structures. The report recommended a mat foundation to support the proposed structure.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the 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. Potential geologic hazards would be ameliorated during the DBI permit review process. To ensure compliance with all *San Francisco Building Code* provisions regarding structural safety, when DBI reviews the geotechnical report (if required) and building plans for a proposed project, it will determine the adequacy of necessary engineering and design features to reduce the potential damage to structures from groundshaking and liquefaction. Therefore, potential damage to structures from geologic hazards on the project site would be ameliorated through the DBI requirement for a geotechnical report and review of the building permit application. Any changes incorporated into the foundation design required to meet the *San Francisco Building Code* standards that are identified as a result of the DBI permit review process would constitute minor modifications of the project and would not require additional environmental analysis.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
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?	☐	☐	☒	☐	☐
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐

a., b., and f. Water Quality. The proposed project would not substantially degrade water quality or contaminate a public water supply. Groundwater is not used as a drinking water supply in the City and County of San Francisco. The project site is completely covered with impervious surfaces and natural groundwater flow would continue under and around the site. Construction of the proposed project would not increase impervious surface coverage on the site nor reduce infiltration and groundwater recharge. Therefore, the proposed project would not substantially alter existing groundwater or surface flow conditions.

Over the construction period, there would be a potential for erosion and transportation of soil particles during site preparation, excavation, foundation pouring, and construction of the building shell. Once in surface water runoff, sediment and other pollutants could leave the construction site and ultimately be released into the San Francisco Bay. Stormwater runoff from project construction would drain into the combined sewer and stormwater system and be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Pursuant to the *San Francisco Building Code* and the City's National Pollutant Discharge Elimination System (NPDES) permit, the project sponsor would be required to implement measures to reduce potential erosion impacts. During project operation, all wastewater from the proposed project building, and storm water runoff from the project site, would be treated at the Southeast Water Pollution Control Plant. Treatment would be provided pursuant to the effluent discharge standards contained in the City's NPDES permit for the plant. During operation and construction, the proposed project would be required to comply with all local wastewater discharge and water quality requirements. Additionally pursuant to the project's proposed LEED® certification, the project would be required to meet the pre-requisite requirement of preparing and implementing an erosion and sedimentation control plan, the intent of which is to reduce pollution from construction activities by controlling soil erosion, sedimentation, and airborne dust generation. Therefore, the proposed project would not substantially degrade water quality.

g. – i. Flood Hazards. 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 one 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 2010, 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).[60] 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

[60] City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://sfgsa.org/index.aspx?page=828. Accessed January 31, 2010.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☒	☐	☐

A Phase I Environmental Site Assessment has been prepared for the site.[62] The potential for soil and groundwater contamination and hazardous building materials at the project site were assessed as part of this report, summarized below.

a. and c. On-Site Hazardous Materials Use and Emissions. The proposed project would involve the development of a mixed-use building containing restaurant and residential uses, the operation of which may involve relatively small quantities of hazardous materials for routine purposes. The development would likely handle common types of hazardous materials, such as cleaners, disinfectants, and chemical agents required to maintain the sanitation of the residential areas, and commercial bathrooms and food preparation areas. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. For these reasons, cleaning agents used by future residents and retail employees would not pose a substantial public health or safety hazard related to hazardous materials to the surrounding areas or nearby schools.

b. c. and d. Hazardous Materials Sites List. The project site is currently used as a one-story full-service restaurant and is not included on the Department of Toxic Substances Control list of hazardous material sites in San Francisco. As described above in Section E4, page 30, under *Cultural Resources,*

[62] DGC Associates, *Phase I Environmental Site Assessment, Spork Restaurant, 1050-1060 Valencia Street, San Francisco, California,* June 30, 2009. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2007.1457E.

removed in accordance with applicable regulations. Additionally, if required by EHS-HWU following discovery of one or more USTs and review of soil and groundwater testing results, Mitigation Measure HAZ-3, page 83, would be implemented to ensure proper handling of potentially contaminated soils.

> **Mitigation Measure HAZ-1: Geophysical Survey and Phase II Subsurface Investigation.** A geophysical survey and a Phase II subsurface investigation shall be conducted at the site to determine if any USTs remain at the site and, assuming no USTs are detected, to determine the extent of sub-surface contamination associated with the former automotive service station. Both of these investigations shall be completed in conjunction with and as a condition of approval for the demolition of the existing building. They shall be carried out in accordance with the workplan prepared by GEOCON prescribed by EHS-HWU on September 2, 2008[63]. The workplan is summarized as follows:
>
> - The site will be divided into 5 foot grids and surveyed using ground penetrating radar within the site and along the sidewalks since early generation USTs may have been located beneath the sidewalks.
>
> - Based on the geophysical survey, three soil and groundwater samples to 30 feet below ground surface shall be collected at the site, in addition to the soil samples that would occur should USTs be found and during UST removal. Two borings shall be collected in the gas station, auto repair and tire shop area. One boring (SB-I) shall be located in the presumed downgradient direction in order to intercept any contaminants.
>
> - Following the purging of the groundwater, soil and grab groundwater samples are to be analyzed for total petroleum hydrocarbons (TPH) as gasoline, TPH-diesel, TPH-motor oil, benzene, toluene, ethylbenzene and xylenes and ethylene bromide and 1,2-dichloroethane.
>
> - Soil samples shall be analyzed for the five Leaking Underground Fuel Tank (LUFT) metals (cadmium, chromium, lead, nickel, and zinc) to accommodate the presence of waste oil contamination and any metals that may have contaminated the site during previous uses or renovations.
>
> - Additional sampling may be required in order to develop a site mitigation plan for the site.

As noted, no records are available to indicate whether a UST exists beneath the site. To ensure that any UST associated with prior uses at the site is removed in accordance with all rules and regulations governing the cleanup of potentially hazardous materials, should one or more USTs be detected during

[63] Department of Public Health, *Letter from Rajiv Bhatia to Mark Rutherford*, September 2, 2008. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2007.1457E.

Mitigation Measure HAZ-3: Hazardous Materials – Testing for and Handling of Contaminated Soil.

Step 1: Soil Testing. Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead and petroleum hydrocarbons. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing for lead and petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The project sponsor shall submit the report on the soil testing for lead and a fee of $501 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Hazardous Waste Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $501 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $167 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DHP shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils 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 Department of Public Health (DPH) for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal Contaminated Soils.

Specific Work Practices: The construction contractor shall be alert for the presence of contaminated 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, slate, and federal regulations, including OSHA work practices) when such soils are encountered on the site.

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.

Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with the notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/altered including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and 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 a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. 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, linear feet, or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the DBI would not issue the required permit until the applicant has complied with the notice and abatement requirements described above.

These regulations and procedures, already established as part of the permit review process, would reduce potential impacts of asbestos to a less-than-significant level.

Lead-Based Paint. The Phase I investigation conducted for the project site notes that, based on the construction of the existing building in approximately 1970, eight years before the use of lead-based paint was banned, there is a potential of encountering lead within the existing structure. The interior of

contains provisions regarding inspection and sampling for compliance by DBI, and DBI enforcement. In addition, the ordinance describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures in the San Francisco Building Code would ensure that potential impacts of lead-based paint due to demolition would be reduced to a less-than-significant level.

Other Hazardous Building Materials. Other potential hazardous building materials such as PCB-containing electrical equipment or fluorescent lights could pose health threats for construction workers if not properly disposed of. Implementation of Mitigation Measure HAZ-5 would reduce impacts of potential hazardous building materials to a less-than-significant level.

> **Mitigation Measure HAZ-5: Hazards (PCBs and Mercury).** The project sponsor shall ensure that building and site surveys for PCB-containing equipment, hydraulic oils, waste oil collection drums, and fluorescent lights are performed prior to the start of demolition. Any hazardous materials so discovered would be abated according to federal, state, and local laws and regulations.

In light of the above, the potential impacts of hazardous building materials are considered less than significant.

g. and h. Fire Hazards and Emergency Response or Evacuation Plans. The implementation of the proposed project would introduce new restaurant employees and residents to the project site who, in turn, could result in congestion in the event of an emergency evacuation. San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing and new buildings are required to meet standards contained in these codes. In addition, the final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection), in order to ensure conformance with these provisions. 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. In this way, potential fire hazards would be mitigated during the permit review process.

In addition, the proposed project would be implemented in a developed area of San Francisco, where fire, medical, and police services are available and provided. The existing street grid provides ample access for emergency responders and egress for residents and workers, and the proposed project would neither directly nor indirectly alter that situation to any substantial degree. Moreover, the Fire

SFGBO standards is submitted with the application for the building permit. The SFGBO and Title 24 are enforced by the Department of Building Inspection. Therefore, the proposed project would not cause a wasteful use of energy and the effects related to energy consumption would not be significant. In light of the above, effects related to energy consumption would not be considered significant. Additionally, under the project's LEED® certification components, the project would be required to reduce its energy use as compared to non-certified buildings.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
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?	☐	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒

a. – c. Agricultural Use. 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 involve any changes to the environment that could result in the conversion of farmland. Accordingly, this topic is not applicable to the proposed project.

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.

Bill Wycko,
Environmental Review Officer

for

John Rahaim
Director of Planning

DATE February 9, 2010