



SAN FRANCISCO PLANNING DEPARTMENT

To Responsible Agencies, Trustee Agencies, and Interested Parties:

December 23, 2009

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

RE: CASE NO 2009.0418E: Pier 36/Brannan Street Wharf

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project, described below, has been issued by the Planning Department. The NOP is either attached or is available upon request from **Chelsea Fordham**, whom you may reach at **(415) 575-9071** or at the above address. It is also available online at <http://www.sfgov.org/planning>. This notice is being sent to you because you have been identified as potentially having an interest in the project or the project area.

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Description: The project site is located between Pier 30-32 and Pier 38, fronting on the east side of The Embarcadero, in proximity to the intersections of Brannan Street and Townsend Street, within the South of Market (SOMA) district of San Francisco. The proposed project involves the demolition of the existing Pier 36, including 133,000 square feet (sq.ft) of pile-supported concrete and wooden decks and piles, the 35,000 sq. ft. Pier 36 warehouse building, and approximately 18,800 sq.ft. of marginal wharf which runs between Piers 30-32 and Pier 38, and construction of a new approximately 57,000 sq.ft. open space park. The proposed open space, "the Brannan Street Wharf", would be approximately 830 feet long (parallel to The Embarcadero), and would vary in width from 10 feet to 140 feet. The proposed park would consist of a raised lawn that could accommodate a variety of passive recreational uses and would include a 2,000 square-foot craft float that would provide a temporary boat tie-up area for landing and launching of hand-powered and small craft boats. The construction of the proposed Brannan Street Wharf would require driving 400 new piles and reinforcing the adjacent seawall. Demolition of Pier 36 and the marginal wharf would require removal or re-use of approximately 115, 42-inch diameter caissons located at Pier 36, and removal of 190, 12-inch diameter timber piles at the marginal wharf. Pier 36, the Pier 36 warehouse building, and the marginal wharf are contributing resources to the San Francisco Embarcadero National Register Historic District.

The Planning Department has determined that an EIR must be prepared for the proposed project prior to any final decision regarding whether to approve the project. The purpose of the EIR is to provide information about potential significant physical environmental effects of the proposed project, to identify possible ways to minimize the significant effects, and to describe and analyze possible alternatives to the proposed project. Preparation of an NOP or EIR does not indicate a decision by the City to approve or to disapprove the project. However, prior to making any such decision, the decision makers must review and consider the information contained in the EIR.

Written comments will be accepted until the close of business on **January 22, 2010**. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. We will also need the name of the contact person for your agency. If you have questions concerning environmental review of the proposed project, please contact **Chelsea Fordham** at **(415) 575-9071**.



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Preparation of an Environmental Impact Report

Date: December 23, 2009
Case No.: **2009.0418E**
Project Title: **Brannan Street Wharf/Pier 36**
Zoning: M-2 (Heavy Industrial) Use District
40-X Height and Bulk District
Block/Lot: Block 9900, Lot 034, 036
Lot Size: 3.6 acres (156,000 square feet)
Project Sponsor: Diane Oshima, Port of San Francisco, (415) 274-0553
Lead Agency: San Francisco Planning Department
Staff Contact: Chelsea Fordham – (415) 575-9071
Chelsea.Fordham@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project site is located between Pier 30-32 and Pier 38, fronting on the east side of The Embarcadero, in proximity to the intersections of Brannan Street and Townsend Street, within the South of Market (SOMA) district of San Francisco. The proposed project involves the demolition of the existing Pier 36, including 133,000 square feet (sq.ft) of pile-supported concrete and wooden decks and piles, the 35,000 sq. ft. Pier 36 warehouse building, and approximately 18,800 sq.ft. of marginal wharf which runs between Piers 30-32 and Pier 38, and construction of a new approximately 57,000 sq.ft. open space park. The proposed open space, "the Brannan Street Wharf", would be approximately 830 feet long (parallel to The Embarcadero), and would vary in width from 10 feet to 140 feet. The proposed park would consist of a raised lawn that could accommodate a variety of passive recreational uses and would include a 2,000 square-foot craft float that would provide a temporary boat tie-up area for landing and launching of hand-powered and small craft boats. The construction of the proposed Brannan Street Wharf would require driving 400 new piles and reinforcing the adjacent seawall. Demolition of Pier 36 and the marginal wharf would require removal or re-use of approximately 115, 42-inch diameter caissons located at Pier 36, and removal of 190, 12-inch diameter timber piles at the marginal wharf. Pier 36, the Pier 36 warehouse building, and the marginal wharf are contributing resources to the San Francisco Embarcadero National Register Historic District.

FINDING

This project may have a significant effect on the environment and an Environmental Impact Report is required. This determination is based upon the criteria of the State CEQA Guidelines, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and for the reasons documented in the Environmental Evaluation (Initial Study) for the project, which is attached.

PUBLIC SCOPING PROCESS

Written comments will be accepted until the close of business on **January 22, 2010**. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

If you work for a responsible State agency, we need to know the views of your agency regarding the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency.

December 17, 2009
Date

Bill Wycko
Bill Wycko
Environmental Review Officer

INITIAL STUDY

Case Number 2009.0418E – Brannan Street Wharf Project/Pier 36

Table of Contents

| | | |
|----|--|----|
| A. | Project Description..... | 3 |
| B. | Project Setting | 9 |
| C. | Previous Environmental Review | 10 |
| D. | Compatibility with Existing Zoning and Plans | 10 |
| | San Francisco Planning Code | 10 |
| | Plans and Policies | 12 |
| | Required Approvals | 19 |
| D. | Summary of Environmental Effects | 20 |
| E. | Evaluation of Environmental Effects | 20 |
| | 1. Land Use and Land Use Planning | 20 |
| | 2. Aesthetics | 23 |
| | 3. Population and Housing | 28 |
| | 4. Cultural and Paleontological Resources | 30 |
| | 5. Transportation and Circulation..... | 31 |
| | 6. Noise | 37 |
| | 7. Air Quality | 42 |
| | 8. Wind and Shadow..... | 57 |
| | 9. Recreation..... | 58 |
| | 10. Utilities and Service Systems..... | 58 |
| | 11. Public Services | 62 |
| | 12. Biological Resources | 63 |
| | 13. Geology and Soils..... | 65 |
| | 14. Hydrology and Water Quality | 68 |
| | 15. Hazards and Hazardous Materials..... | 79 |
| | 16. Mineral and Energy Resources | 85 |
| | 17. Agriculture Resources | 86 |
| | 18. Mandatory Findings of Significance..... | 87 |
| G. | Alternatives..... | 88 |
| H. | Determination..... | 88 |
| I. | List of Preparers | 90 |

Figures

| | | |
|----------|--|----|
| Figure 1 | Project Location | 4 |
| Figure 2 | Demolition Plan..... | 6 |
| Figure 3 | Layout Plan | 7 |
| Figure 4 | Architectural Plan | 8 |
| Figure 5 | Viewshed Analysis for the Brannan Street Wharf..... | 25 |
| Figure 6 | View 1: Existing View and Photo Rendering of Proposed Project from the Embarcadero | 26 |
| Figure 8 | View 2: Existing View and Photo Rendering of Proposed Project from the Embarcadero | 27 |

INITIAL STUDY

Case Number 2009.0418E – Brannan Street Wharf Project/Pier 36

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The project site (Assessor's Block 9900, Lot 034, 036) is located between Pier 30-32 and Pier 38, on the San Francisco Bay, in the Rincon Point - South Beach area of the South of Market (SOMA) district.

The project site fronts The Embarcadero on the east side, and is located in close proximity to the intersections of Brannan Street and Townsend Street to the north and south, respectively (see Project Location: Figure 1, page 4). The approximately 156,000-square-foot (3.6 acre) project site contains the existing Pier 36, the previously demolished Pier 34, the marginal wharf between Pier 38 and Pier 30-32, the seawall, and portions of the San Francisco Bay. Pier 36, built in 1909, is located on the southern portion of the site and extends perpendicularly from The Embarcadero, and is a 133,000 square-foot (sq.ft.) pile-supported pier with a 35,000 sq.ft. warehouse shed building. The pier platform is approximately 86,000 sq.ft., and is a steel and concrete structure supported on approximately 420 42-inch diameter concrete cylinders (or caissons). At the east end of the pier there was an approximately 47,000 sq.ft. timber wharf extension that was used for rail ferry operations, which has collapsed into the Bay. The marginal wharf is a 20-foot wide concrete and steel wharf supported on a mixture of concrete and timber piles that connects between the seawall and piers. Between the southern edge of Pier 32 and the northern edge of Pier 38, the marginal wharf is approximately 18,800 sq.ft. and approximately 940 feet long. The concrete seawall is located at the interface of the marginal wharf and The Embarcadero and is supported with timber piling and founded on a rock dike. The majority of the marginal wharf and all of Pier 36 was condemned in 2004 due to severely deteriorated deck and pilings, and would be demolished as part of the project. Pier 34 was removed in 2004 because it was condemned as well.

The project site is located within a Heavy Industrial (M-2) zoning district and 40-X height and bulk district.



Brannan Street Wharf / Pier 36

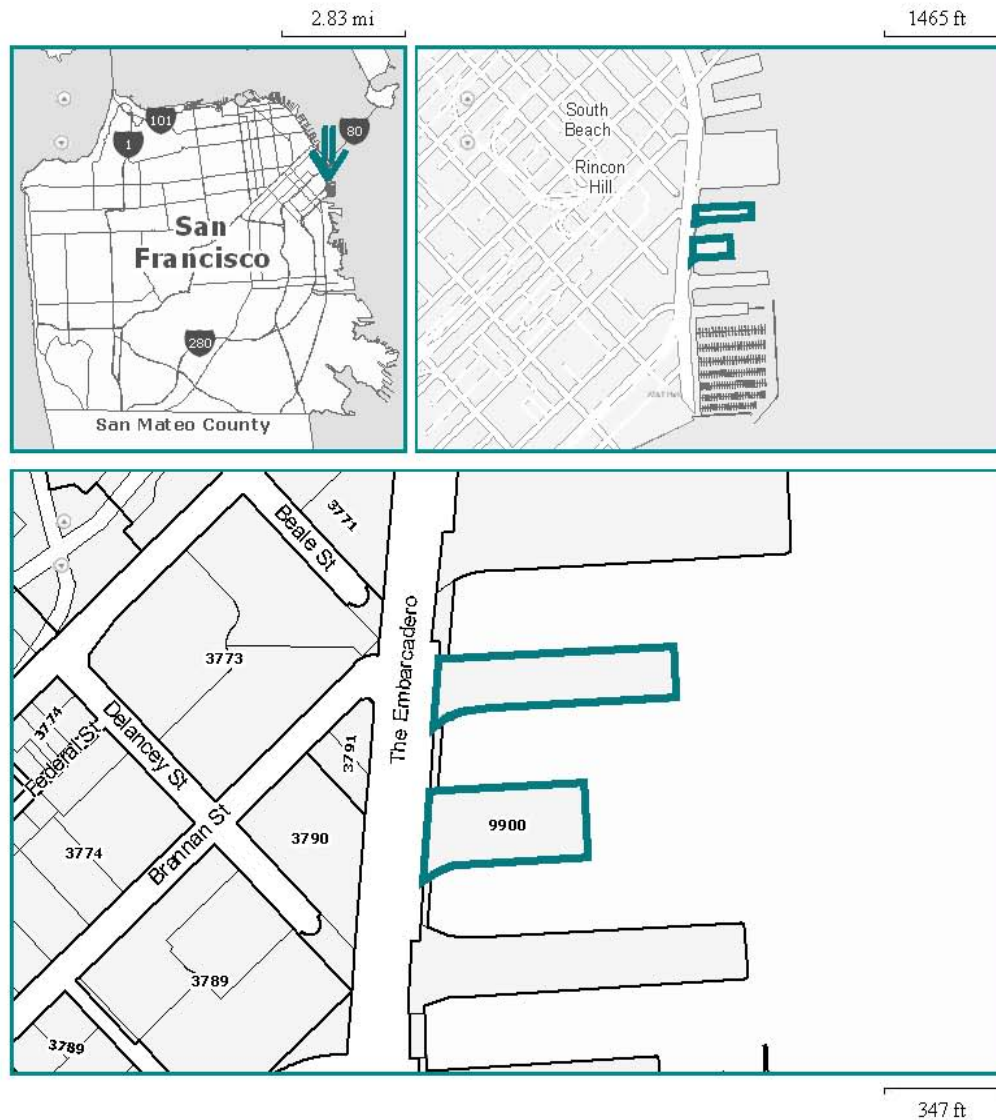


Figure 1 Project Site Location

Project Description

The proposed project would demolish the existing Pier 36 and the marginal wharf at the site, and construct a new 57,000 square foot public open space, known as the Brannan Street Wharf (see Figure 2 - 4, pages 6-9). The proposed Brannan Street Wharf would consist of a 26,000 sq.ft. lawn, shade structure, tables, chairs and benches, litter receptacles, drinking fountain, lighting, space for public art installations, and a 2,000 sq.ft. small craft float with accessible gangway. Brannan Street Wharf would be wedge-shaped, generally oriented in a north-south configuration, connecting alongside The Embarcadero Promenade. The north end of the park would begin south of Pier 30-32, extending south for about 830 feet to a point south of Pier 36. The park would be approximately 10 feet wide at its narrowest point at the north end, widening to approximately 140 feet at the south end. The new small craft float would be approximately 30 feet by 68 feet with a low edge suitable for small human powered craft such as kayaks and row boats, and which complies with Americans with Disability Act (ADA) requirements and would connect the float to the wharf. The lawn would primarily be flat with the lawn laid in a raised planter about 18 inches in height, and would accommodate a variety of passive recreation uses.

The proposed Brannan Street Wharf project would be supported by approximately 400 precast concrete piles, 24-inch in diameter and octagonal shaped, to be driven to depths of over 60 feet below the bay floor. The wharf structure would cantilever over the existing seawall and interface with the existing Embarcadero sidewalk. The new small craft float with accessible gangway would be constructed of reinforced concrete (or steel with a concrete surface) and stabilized by six 30-inch diameter steel guide piles. Additionally, the seawall, to which the proposed project would connect, is in fair condition and would require maintenance to repair cracks, and to accommodate the interface with the new Brannan Street Wharf.

Project construction is estimated to take approximately 21 months with a construction cost of approximately \$25 million. The Port currently is coordinating with the U.S. Army Corps of Engineers (Army Corps) regarding implementation of the project. The Army Corps has received federal funding for the demolition of Pier 36, and it is anticipated that they would take the lead for that component of the project. The Port of San Francisco would be the project sponsor for the new construction of the Brannan Street Wharf.

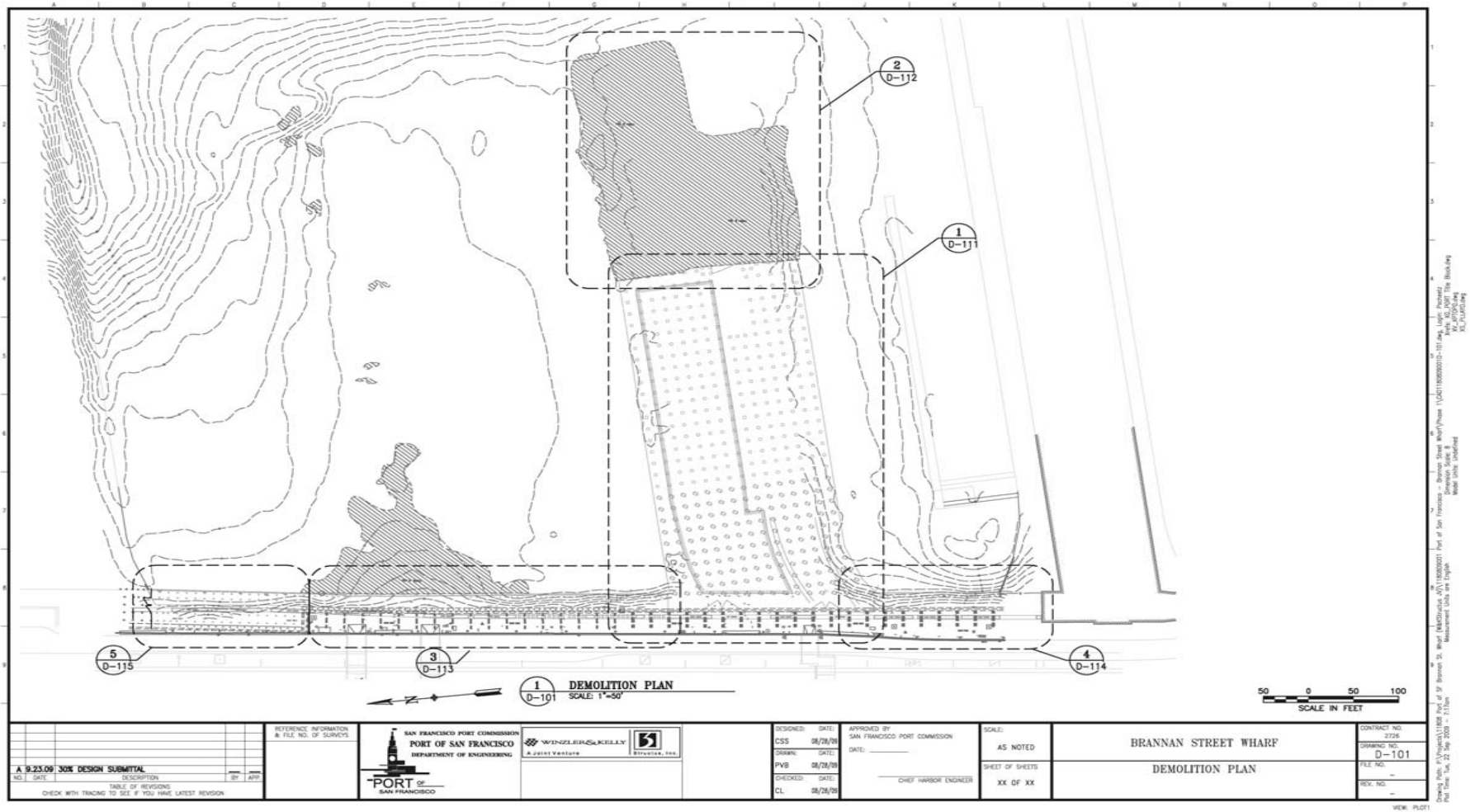


Figure 2 Demolition Plan

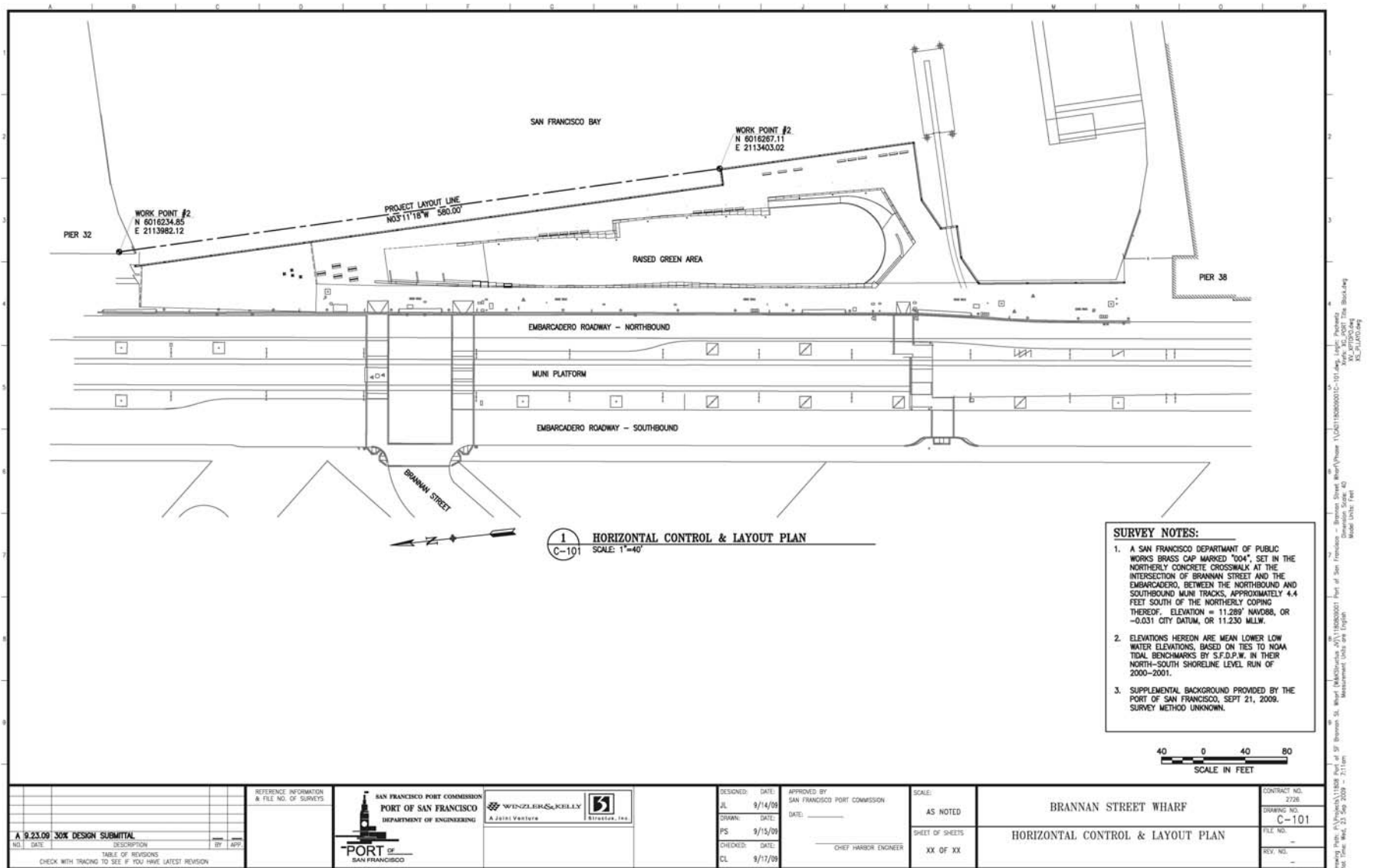


Figure 3 Layout Plan

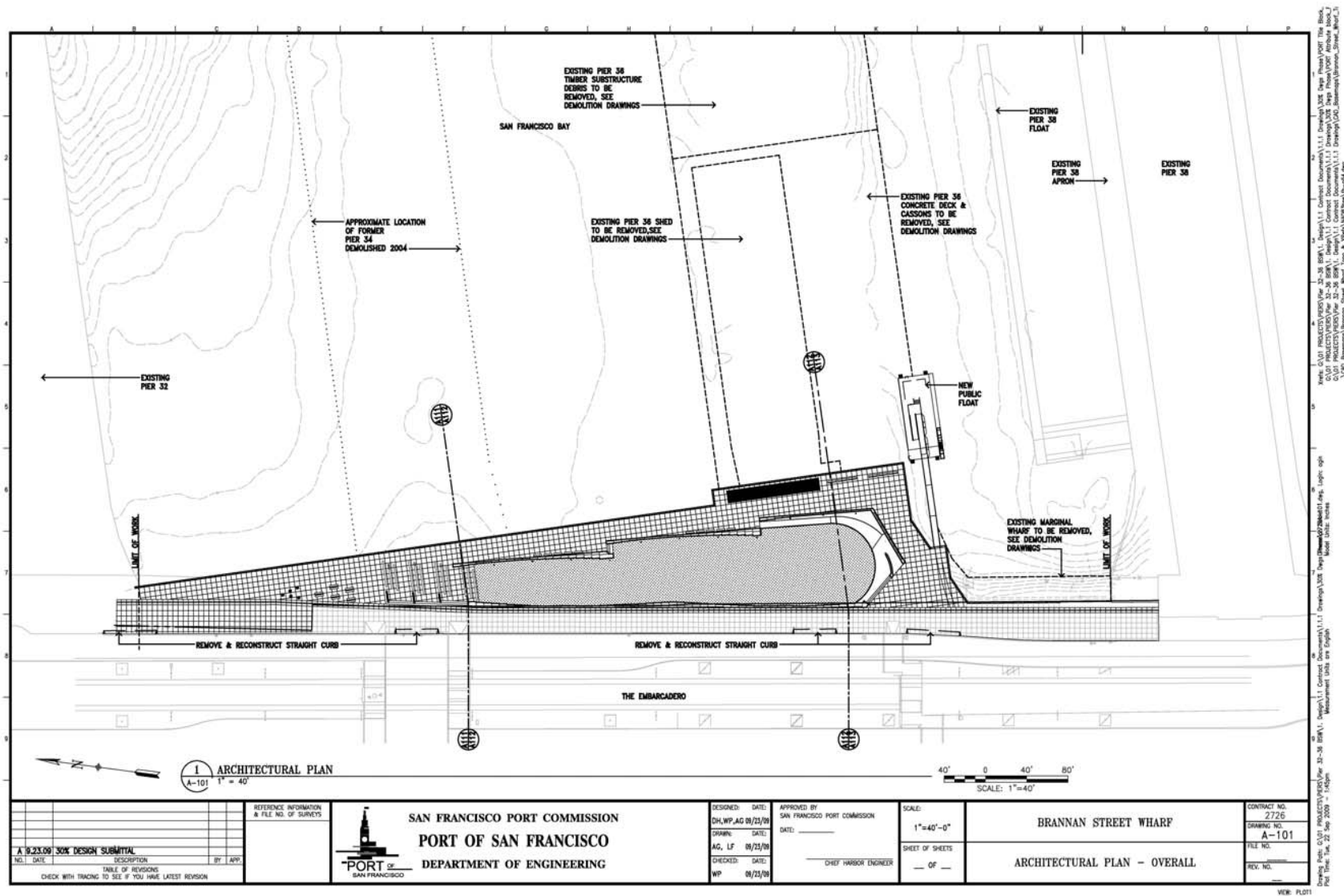


Figure 4 Architectural Plan

B. PROJECT SETTING

The project site (Assessor's Block 9900, Lot, 034, 036) is located between Pier 30-32, and Pier 38, in the South Beach neighborhood, within the South of Market district. The project site is bounded by the east side of The Embarcadero, near the intersection of Brannan Street and The Embarcadero, and Townsend and The Embarcadero (see Project Location: Figure 1, page 4).

As discussed above under the Project Description, the project site is occupied by the existing Pier 36, the marginal wharf between Pier 38 and Pier 30-32, the seawall, and portions of the San Francisco Bay. North of the project site, on the west side of The Embarcadero is Pier 30-32, a 13 acre pier currently used for parking, special events and cruise ship calls as a back-up to the Port's cruise terminal operations at Pier 35 further to the north. To the south of the project site lies Pier 38, which is currently being used for recreational yacht and vessel docking, and a marine support center. To the south of Pier 38, lies South Beach Harbor, which is a 700 berth marina, and Pier 40. The South Beach Harbor complex includes public open space and access to South Beach Park and Pier 40 Breakwater public access; and the South Beach Harbor Center provides community meeting rooms, operational space for the South Beach Harbormaster, and the location of the South Beach Yacht Club.

Adjacent to the project site, west of The Embarcadero, there are several mixed-use residential and commercial building. These include the 4-story Bayside Village apartment complex located at Brannan and Beale Streets; the Delancey Street project, a 4-story, multi-unit residence and rehabilitation center located immediately across The Embarcadero from the project; the South Beach Marina Apartments at Townsend Street and The Embarcadero, which is a 414 unit complex in two 13-story towers and two low-rise (3- and 4-story) structures; the Steamboat Point apartments, a 4-story, multi-family residential building, which is a located at King and The Embarcadero; the Portside condominiums at Bryant and The Embarcadero, which is an 8-story, multi-family residential building; the One Embarcadero South located at 88 King Street, which is two 13- and 14- story towers containing 233 dwelling units; The Brannan, consisting of three towers and 130 units, and the 21-story Watermark condominiums at the corner of Bryant and Beale Streets. Further south of the project site, fronting on China Basin Channel and King Street is AT&T Ballpark.

C. PREVIOUS ENVIRONMENTAL REVIEW

The proposed Brannan Street Wharf project was previously analyzed as part of the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project EIR. The Cruise Terminal EIR included development of Pier 30-32, which was the proposed location for the Bryant Street Pier Cruise Terminal and Mixed Use Development, the development of the Brannan Street Wharf, and the development of the Watermark condominiums, located at the corner of Bryant and Beale Streets, on a portion of Seawall Lot 330. While the Cruise Terminal EIR secured government approvals, the construction costs to repair and improve Pier 30-32 to become the Bryant Street Pier Cruise Terminal and Mixed Use Development became economically infeasible, and the developer terminated the project. The Watermark condominiums have subsequently been developed since the approvals of the project have been granted for the previous Cruise Terminal EIR. The Port of San Francisco now proposes development of Brannan Street Wharf on its own.

The Brannan Street Wharf project requires that a Subsequent EIR be prepared from the Cruise Terminal EIR because new information of substantial importance has changed since the time the previous EIR was certified. This information is that Pier 36, and warehouse building, and the marginal wharf were determined to be contributing resources to the San Francisco Embarcadero National Register Historic District in 2006, subsequent to the adoption of the Cruise Terminal EIR in 2001.

D. COMPATIBILITY WITH ZONING, PLANS, AND POLICIES

| | <i>Applicable</i> | <i>Not Applicable</i> |
|---|--------------------------|-------------------------------------|
| Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SAN FRANCISCO PLANNING CODE

The *San Francisco Planning Code (Planning Code)*, which incorporates the City's Zoning Maps, governs permitted uses, densities, and configuration of buildings within the City. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless (1) the proposed project

conforms to the *Planning Code*, (2) allowable exceptions are granted pursuant to provisions of the *Planning Code*, or (3) amendments to the *Planning Code* are included as part of the proposed project.

The project site is located within a Heavy Industrial (M-2) zoning district and a 40-X height and bulk district. As described in Section 210.6 of the *Planning Code*, M-2 Districts are intended to serve as heavy industrial districts with fewer requirements for screening and enclosures from residential districts than in light industrial districts. The heavier industries are permitted, with fewer requirements as to screening and enclosure than in M-1 Districts, but many of these uses are permitted only as conditional uses or at a considerable distance from Residential Districts. Most of the land zoned M-2 is controlled by the Port of San Francisco. Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial, and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust are principal permitted uses in the M-2 Districts (Section 227). The proposed project would be related to recreation on property subject to public trust, therefore, the proposed open space project would be principal permitted use within the M-2 zoning district.

The proposed project is also located within the Waterfront Special Use District No. 1. The primary uses allowed within this special use district are maritime uses and related accessory uses. Maritime uses include those uses that require access to or use of San Francisco Bay waters in order to function or operate in the normal course of business, including but not limited to those uses associated with waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries and recreation.

Within the Waterfront Special Use District No. 1, principal permitted uses include maritime uses and uses permitted in the underlying zoning district (in this case M-2, see above) that are also identified as an acceptable, existing or interim land use in the Waterfront Plan. There is also a requirement that any project involving any use other than maritime be subject to review of the urban design of the proposed use under the waterfront design review process. Section 240(c) establishes the rules and procedures for a Waterfront Design Advisory Committee (WDAC) made up of representatives of the Port, the Planning Department and the Mayor's Office, whose role is to review the urban design of new developments on certain lands located within the Waterfront Special Use Districts. The Brannan Street Wharf has undergone several reviews through the Waterfront Design Advisory Committee. At its September 14, 2009 joint meeting, the WDAC and the Design Review Board of the San Francisco Bay Conservation (BCDC) and Development Commission concluded that the Brannan Street Wharf has completed its formal design review necessary for the project and endorsed the proposed Brannan Street Wharf design.

PLANS AND POLICIES

San Francisco Plans and Policies

San Francisco General Plan

The *San Francisco General Plan* provides general policies and objectives to guide land use decisions. The *General Plan* contains 10 elements (Commerce and Industry, Recreation and Open Space, Housing, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety, and Arts) that set forth goals, policies, and objectives for the physical development of the City.

Additionally, the proposed project is in the part of San Francisco covered by the Northeastern Waterfront Plan, an area plan of the *General Plan*. Objectives and policies in the various elements of the *General Plan* are typically duplicated in area plans, and the objectives and policies in an area plan are generally more detailed and focused.

The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of this process would not alter the physical environmental effects of the proposed project.

Northeastern Waterfront Plan

The *Northeastern Waterfront Plan*, an area plan of the General Plan, guides growth and development along San Francisco's northeastern waterfront, an irregularly shaped area that includes four subareas: Fisherman's Wharf, Base of Telegraph Hill, Ferry Building, and South Beach. The project site is within the *Northeastern Waterfront Plan's* South Beach subarea. Map 2 of the Plan indicates that the Brannan Street Wharf site is located within the 40-X Height and Bulk District. The *Northeastern Waterfront Plan* recommends objectives and policies designated to, "contribute to the waterfront's environmental quality, enhance the economic vitality of the Port and the City, preserve the unique maritime character, and provide for the maximum feasible visible and physical access to and along the Bay." Specifically, the *Northeastern Waterfront Plan* has policies for Pier 36 which recommends "improve shoreline appearance, provide public access and open space, and expand views of open water by removing deteriorating Piers 34 and 36 and extending the PortWalk out over the water to create a Brannan Street Wharf public open space. Develop the layout, design, improvements, and any allowances for accessory uses to promote the use of this open space in coordination with the community."

Proposition M—The Accountable Planning Initiative

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City *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 that 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 that requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the 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 proposed project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

Waterfront Land Use Plan

The Waterfront Plan was initially adopted by the San Francisco Port Commission in 1997, and amended in July and October 2000, defining acceptable uses, policies and land use information applicable to all properties under the Port Commission's jurisdiction. Developed through a lengthy public planning process, the Waterfront Plan has enabled the Port Commission, the City and the community to jointly define locations for new public-private partnership projects, coordinated with major public open space, maritime, and historic preservation improvements along the waterfront. The Waterfront Plan is intended to: 1) actively promote the continuation and expansion of industrial, commercial and recreational maritime activities; 2) support new and existing open space and public access; 3) recognize the structure

of the Port for revenue-generating land uses to fund maritime activities, open space, and public activities along the waterfront; 4) adapt to fluctuating economic, social and political structures by identifying the range of acceptable uses for Port properties; 5) encourage efficient use of currently underutilized Port properties by allowing a range of interim uses; and 6) establish a framework for streamlining the entitlement process for new development. After Port Commission approval of the Plan, the Port worked with the City to amend the San Francisco General Plan, Planning Code, and Zoning Map to align policies and requirements within these documents, approved by the Planning Commission and Board of Supervisors.

The Waterfront Plan has seven goals: 1) to encourage the Port to function as a working Port for cargo, shipping, fishing, passenger cruise ships, ship repair, ferry and excursion boats, recreational boating and other water-dependent activities; 2) to stimulate new investment that will revitalize the waterfront, create jobs, revenues, public amenities, and other benefits; 3) to promote diversity of activities and people, including maritime, commercial, entertainment, civic, open space, recreational and other waterfront activities for all to enjoy; 4) to provide access to and along the waterfront through a network of parks, plazas, walkways, open spaces, and integrated transportation improvements that would enhance enjoyment of the Bay environment; 5) to enhance the waterfront's historic character, while creating new opportunities for San Franciscans to integrate the waterfront into their everyday lives; 6) to ensure appropriate quality of urban design along the waterfront; and 7) to provide economic access to all people in San Francisco.

To enable waterfront revitalization, the Port continues to work closely with the San Francisco Planning Commission and Board of Supervisors, the San Francisco Bay Conservation and Development Commission (BCDC), and the State Lands Commission to align the various land use plans and policies held by each entity. Port projects must comply not only with the Waterfront Plan, but also adopted plans of the Planning Commission and BCDC, and undergo public trust review by the State Lands Commission.

South Beach/China Basin Sub-Area

The proposed project is located within the South Beach/China Basin subarea of the Waterfront Plan, which extends from Pier 22 ½ to the north to Mariposa Street to the south. The Waterfront Plan contains the following objectives for the South Beach/China Basin subarea: 1) preserve and rationalize existing maritime activities in the area; 2) preserve and improve existing maritime uses that provide focal points

for public enjoyment of commercial and recreation oriented maritime activities; 3) promote activities and public access to make the waterfront inviting and safe, and improve the living environment of the new and emerging Rincon Hill, South Beach and Mission Bay neighborhoods; 4) take advantage of proximity to downtown San Francisco by providing attractions for the general public, while respecting the needs of adjacent residents; 5) create an integrated series of public access improvements that extend a shoreline Port Walk through the South Beach area; and 6) establish high standard in the design of new developments that give rise to a new architectural identity for the shoreline north of China Basin Channel.

The South Beach/China Basin subarea of the Waterfront Plan specifies acceptable land uses by the location at which they may be developed along San Francisco's Waterfront, including new uses and existing uses that may continue long term, those that may be continued as an interim use, or those that may be permitted as an accessory use. Generally, a wide variety of maritime uses (e.g., cargo shipping, maritime office and support services, and ceremonial berthing), open space/recreation, and commercial, and other uses, including general institutional, are permitted on specified sites throughout the project area.

Under the South Beach/China Basin subarea, there are development standards for the Bryant Street Pier Opportunity Area, which includes Pier 30-32, Pier 36, and Seawall Lot 330. The development standards that are applicable to the proposed Brannan Street Wharf project are:

- Provide significant maritime and public access uses with a multi-faceted mix of commercial activities, all oriented around a common theme, rather than a singular commercial attraction.
- Encourage new activities that do not generate peak traffic volumes during commute periods, to minimize congestion on roadway and public transit systems.
- Require a high standard of architectural design which is appropriate to the prominence of the site and establishes a new architectural identity and standard for waterside development in the South Beach area.
- Incorporate expansive public access on the piers that builds upon and enhances the PortWalk through the South Beach area.
- Demolish Piers 34 and 36 to create a Brannan Street Wharf open space, integrated with the Embarcadero Promenade and the public access and shoreline improvements for new development on Piers 30-32 and 38.

The South Beach/China Basin subarea of Waterfront Plan indicates that Piers 34 and 36 should be removed in order to create an open space, therefore, the proposed Brannan Street Wharf project would be consistent with the Plan. The Brannan Street Wharf project would involve removal of Pier 36 and the creation of the Brannan Street Wharf Park and previously condemned, Pier 34 was removed in mid-2001.

San Francisco Bay Plan

The San Francisco Bay Conservation and Development Commission (BCDC) is a state agency with permit authority over the Bay and its shoreline. Created by the McAteer-Petris Act in 1965, BCDC regulates filling, dredging, and changes in use in San Francisco Bay. BCDC also regulates new development within 100 feet of the shoreline to ensure that maximum feasible public access to and along the Bay is provided. The Commission is also charged with ensuring that the limited amount of shoreline property suitable for regional high-priority water-oriented uses (ports, water-related industry, water oriented recreation, airports and wildlife areas) is reserved for these purposes. Land-side uses and structural changes are governed by policies regarding public access. BCDC can require, as conditions of permits, shoreline public access improvements consistent with a proposed project, such as, but not limited to, pathways, observation points, bicycle racks, parking, benches, landscaping, and signs.

Of primary concern to BCDC is the placement of new “fill” (generally defined as any material in or over the water surface, including pilings, structures placed on pilings, and floating structures) in the Bay. The McAteer-Petris Act imposes very strict standards for the placement of new fill. Placement of fill may be allowed only for uses that are (1) necessary for public health, safety or welfare of the entire Bay Area; (2) water-oriented uses, such as water-related industry, water-oriented recreation, and public assembly and the like; or (3) minor fill to improve shoreline appearance and public access. Fill must be the minimum necessary for the purpose and can be permitted only when no alternative upland location exists. While the proposed projects would result in a limited amount of new fill related to the creation of the Brannan Street Wharf, the project overall would decrease the amount of Bay fill. The Brannan Street Wharf would result in approximately 32,000 sq. ft. of new fill and a net decrease of approximately 94,800 sq. ft. due to the removal of Pier 36(133,000 sq. ft.) and the marginal wharf (18,800).

Other BCDC planning documents applicable to the northeastern waterfront include: the *San Francisco Bay Plan* (Bay Plan), adopted in 1969 and since amended, which specifies goals, objectives and policies for existing and proposed waterfront land use and other BCDC jurisdictional areas; the *Bay Area Seaport Plan*, prepared in conjunction with the Metropolitan Transportation Commission, which is BCDC’s overall

policy for long-term growth and development of the Bay Area's six seaports, including the Port of San Francisco; and the *San Francisco Waterfront Special Area Plan* (SAP), which is incorporated as a more specific element of the Bay Plan and, among other things, indicates acceptable land uses along the San Francisco Waterfront in much greater detail than does the regional Bay Plan.

In July, 2000, BCDC approved major amendments to the SAP, originally adopted in 1975, to reflect and be consistent with the Port's Waterfront Plan. The revised SAP identifies piers to be removed to create open water basins, prescribes two major new public plazas, and establishes new rules for development on certain existing piers, including allowing the repair and reconstruction of existing piers for any use consistent with the public trust, under certain conditions. The SAP establishes the requirement that the Brannan Street Wharf be constructed within 5 (the northern portion in the area of the former Pier 34) to 20 years of the issuance of a certificate of occupancy "for the major reuse of Piers 30-32, or a comparable development." The Port also adopted conforming amendments to its Waterfront Plan.

The area covered by the SAP is the land and water located along the existing shoreline of the City and County of San Francisco from the Hyde Street Pier through the India Basin, including all areas within the jurisdiction of the Port of San Francisco. The SAP divides the waterfront area into three geographic areas: Fisherman's Wharf, Northeastern Waterfront, and Southern Waterfront, to which particular permitted uses, policies, and maps are addressed. The Brannan Street Wharf project site is located within the Northeastern Waterfront. The Northeastern Waterfront extends from Pier 35 to China Basin and is characterized by three geographic areas or districts, including the Base of Telegraph Hill that extends from Pier 35 to Pier 9; the Ferry Building from Pier 7-1/2 to Pier 22-1/2; and South Beach, extending from Pier 24 to China Basin. The project sites are located within the South Beach district.

The policies in the SAP apply only to areas within the jurisdiction of BCDC for permit purposes. These policies, in addition to the McAteer-Petris Act and other sections of the Bay Plan, are the basis for BCDC permit decisions and for federal consistency review under the federal Coastal Zone Management Act of 1972, as amended. The SAP includes general policies that apply to all areas covered by the plan, and geographic-specific policies that specify permitted uses that may be allowed on fill in specified areas within BCDC's jurisdiction, describe in greater detail the limits on Bay fill, and guide the provision of public access, consistent with development projects. In the Northeastern Waterfront, the geographic-specific policies apply to the Bay Plan policies regarding filling for public trust uses. Other Northeastern Waterfront geographic-specific policies guide the provision of public benefits and public access required for development within that portion of the San Francisco Waterfront.

The Public Trust

The City and County of San Francisco, through the Port Commission, hold title in trust for the people of the State of California. This is because the State, upon admission to the United States in 1850, was granted title to all submerged lands and tidelands, and Port property consists of submerged lands and tidelands. In 1968, the State Legislature adopted the Burton Act, which enabled transfer of the Port area to the City and County of San Francisco to be held in trust for the people of California for the purposes of maritime commerce, navigation and fisheries (the public trust), uses that enhance natural resources or attract people to use and enjoy the Bay and other specified uses.

The Burton Act granted the Port broad powers relative to the transferred property. There are, however, three key constraints: (1) property subject to the public trust and statutory trust imposed by the Burton Act cannot be sold or otherwise alienated by the Port, unless the property is found to be valueless for trust purposes and is a small portion of the total land held in trust by the Port; (2) the properties cannot be leased for a period exceeding 66 years; and (3) the revenues derived from the operation of the leased property must be maintained in a separate account and used only for trust purposes. The Port Commission may determine that Port property is surplus to trust purposes and may exchange that land for other property and/or use it for other purposes determined by the Port Commission and the State Lands Commission to be in the public interest. It is also acceptable for the Port to establish short-term leases (generally 10 years or less) for non-trust purposes if the property will not be required for trust purposes during the ten-year period of the lease. The State Lands Commission is the State agency that oversees compliance by the Port with its grant under the Burton Act. No formal approvals are required by the State Lands Commission for Port projects. However, the State Lands Commission acts in an advisory capacity to, and sits as a member of the BCDC Commission, with regard to BCDC's findings of trust compliance made pursuant to BCDC's San Francisco Special Area Plan.

The primary purpose of the proposed project on Pier 36 is to construct a new public open space for San Francisco. The purpose is consistent with the public trust. A final determination of trust consistency, as well as consistency with the Waterfront Plan, would be made by the Port Commission, in consultation with BCDC and the State Lands Commission. Additionally, the Brannan Street Wharf project site would remain under Port control and would not be leased to a private entity.

AB 1389 - State Legislation on the Public Trust

Assembly Bill 1389 was introduced by Assembly Member Kevin Shelley, approved by the California Legislature on September 14, 2001, and signed by Governor Gray Davis on October 4, 2001 (see Appendix D for the complete text of the bill). The bill accomplishes several key items that pertain to the Brannan Street Wharf projects, as described below:

- Ratifies the BCDC Bay Plan and Special Area Plan, adopted in July, 2000, as necessary to protect the health, safety or welfare of the public in the entire Bay Area;
- Requires the construction and accelerates the completion of the Brannan Street Wharf.

Regional Plans and Policies

The five principal regional planning agencies and their over-arching policy-plans to guide planning in the nine-county bay area include the Association for Bay Area Governments' (ABAG) *"A Land Use Policy Framework"* and *Projections 2005*, the Bay Area Air Quality Management District's (BAAQMD's) *Clean Air Plan* and *Bay Area 2005 Ozone Strategy*, the Metropolitan Transportation Commission's *Regional Transportation Plan – Transportation 2030*, the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*, and the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. Due to the size of the proposed project, there would be no anticipated conflicts with regional plans, except for the *San Francisco Bay Plan*, which is discussed above.

REQUIRED APPROVALS

The proposed project would require the following approvals:

Port of San Francisco

- Approval of design by Waterfront Design Advisory Committee;
- Adoption of CEQA Findings and Mitigation Monitoring Program;
- Approval of construction contracts and implementation authorizations;
- Issuance of demolition and building permits;

San Francisco Board of Supervisors

- Approval of expenditure of capital funds.

San Francisco Bay Conservation and Development Commission

- Approval of design by BCDC Design Review Board (DRB)
- Approval of Major Permit for pier removal and wharf construction.

Regional Water Quality Control Board

- Approval of pile removal, pile driving and new construction.

U.S. Army Corps of Engineers

- Authorization or implementation of the demolition of Pier 36

NEIGHBORHOOD NOTIFICATION

A "Notification of Project Receiving Environmental Review" was sent out on June 26, 2009, to the owners of properties within 300 feet of the project site, as well as to other interested parties. The Planning Department received several emails and telephone calls in response to the notice. Respondents requested to receive further environmental review documents and/or expressed support for the proposed project.

E. SUMMARY OF ENVIRONMENTAL EFFECTS

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

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

F. EVALUATION OF ENVIRONMENTAL EFFECTS

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|-------------------------------------|---------------------------|
| 1. LAND USE AND LAND USE PLANNING— Would the project: | | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|-------------------------------------|---------------------------|
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial impact upon the existing character of the vicinity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

A) ESTABLISHED COMMUNITY

The proposed project would demolish the existing Pier 36, and construct a 55,000 square-foot open space park along the Embarcadero, known as the Brannan Street Wharf. Land use impacts are considered significant if they disrupt or divide the physical arrangement of an established community, or if they have a substantial impact on the existing character of the vicinity. The Brannan Street Wharf would not disrupt or divide the physical arrangement of surrounding land uses because it would be constructed in an area of the waterfront that is currently condemned and fenced-off from the general public. Therefore, the proposed Brannan Street Wharf would not change the existing street plan nor impede the passage of persons or vehicles. Therefore, the project would not physically divide an established community and would have a less-than-significant impact. Additionally, the proposed project would permit persons to access the waterfront in an area currently fenced and closed-off to the public and this topic will not be addressed in the EIR.

B) CONSISTENCY WITH PLANS AND ZONING

The proposed project would not conflict with applicable plans, policies, and regulations such that an adverse physical change would result (see Section C. Compatibility with Existing Zoning and Plans). In addition, environmental plans and policies are those, like the *Bay Area Air Quality Plan*, that 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. Therefore, the proposed project would have no effect on existing plans and zoning and this topic will not be addressed in the EIR.

C) CHARACTER

The proposed open space located along the waterfront would not introduce new or incompatible land uses to the area. As discussed above, the project site is surrounded by multi-family residential buildings, pier structures, a marina, and other open spaces. Although the demolition of the existing Pier 36 and the proposed construction of a 57,000 open space park would result in a change in character of the site, the project as proposed, would not result in a significant land use impact because it is a principally permitted use within the M-2 zoning district and is a predominant use along the waterfront. Additionally, the project would be consistent with the character of the area in terms of its proposed use and physical compatibility, and would not present a physical barrier to movement throughout the community. Therefore, land use impacts to the existing character would be less than significant and this topic will not be addressed in the EIR.

CUMULATIVE LAND USE IMPACTS

The Port of San Francisco Proposition A Waterfront Open Space Improvements projects would construct and create new and/or improved public open spaces throughout the waterfront, including the following projects; Pier 43 Bay Trail Promenade, Bayfront Park, Blue Greenway Improvements, and Islais Creek. These Port Prop A Open Space projects, along with the proposed Brannan Street Wharf project, would not cumulatively divide an established neighborhood or conflict with any applicable land use plans, policies, or regulations. Together, the proposed Brannan Street Wharf, along with the Port Prop A Open Space projects would add and/or improve five open spaces throughout the San Francisco waterfront. In addition, the project would not disrupt or divide the existing community or adversely affect the character of the project vicinity and this topic will not be addressed in the EIR.

For the reasons discussed above, the proposed project's impacts related to land use, both individually and cumulatively, are considered less than significant. For information purposes, land use issues will be discussed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|-------------------------------------|---------------------------|
| 2. AESTHETICS —Would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

A – B) EFFECTS ON SCENIC VISTA AND SCENIC RESOURCES

Scenic resources are the visible physical features on a landscape (e.g. land, water, vegetation, animals, structures, or other features.) The proposed project is located along the San Francisco Bay shoreline, which is considered a scenic resource and public scenic view and vista. The Urban Design Element of the General Plan classifies views along the Embarcadero as “important street view for orientation”. Figure 5 – 8, Photo Renderings of the Proposed Project, depicts the existing views and views with the proposed project from along the Embarcadero and from Delancey Street.

The proposed project would change views currently observed from streets along the Embarcadero; however, the proposed project would not eliminate any scenic view or vista now observed from public areas. The project site currently contains the existing Pier 36, the 36 warehouse shed, and waters of the San Francisco Bay. The proposed project would demolish Pier 36, the warehouse shed, and the 55,000 square-foot Brannan Street Wharf open space park. The proposed Brannan Street Wharf open space would be parallel to the Embarcadero, and would not construct any building that would interfere or block views of the waterfront. The tallest structures on the project site would be the guardrails along the perimeter of the open space, and shade structures, which would be approximately 3.5 feet tall and 17 feet tall respectively; however, they would be designed in a manner that would not interfere views of the waterfront. Additionally, the demolition of Pier 36 would create additional views of the waterfront where currently they are blocked by metal fencing and the Pier 36 warehouse shed. The proposed project would

not substantially degrade or obstruct any scenic view or vistas now observed from public areas, or damage any scenic resources. Thus, the proposed project would result in less-than-significant impacts to scenic resources and scenic vistas and this topic will not be further analyzed in the EIR.

C) VISUAL CHARACTER

The proposed Brannan Street Wharf project would be parallel to the Embarcadero and would have a railing to a maximum height of 3.5 feet and shade structures to a height of 17 feet. The proposed Brannan Street Wharf size, scale, and height would be compatible with the existing height limits and allowable densities. The proposed project would not have a substantial, demonstrable negative aesthetic effect within its urban setting. The proposed Brannan Street Wharf would introduce a waterfront park in an area with primarily pier structures and residential/mixed-use development, however, the proposed project would not adversely affect the existing visual character of the neighborhood, nor have substantial, demonstrable negative effect within its urban setting. Therefore, the proposed project would result in less-than-significant impacts to visual character and this topic will not be further analyzed in the EIR.

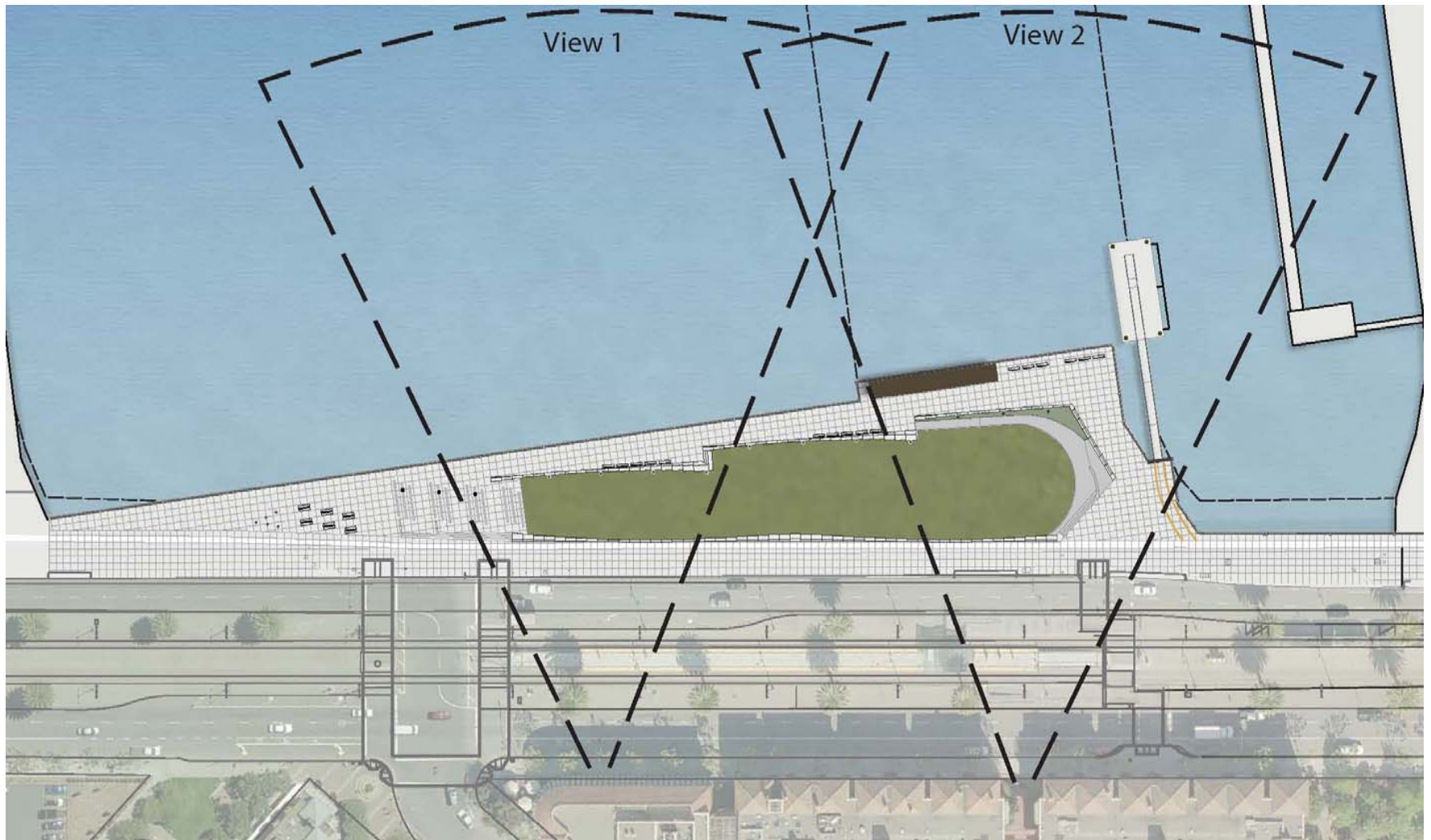


Figure 5 Viewshed Analysis for the Brannan Street Wharf



Figure 6 View 1: Existing View and Photo Rendering of Proposed Project from the Embarcadero

Source: Port of San Francisco



Figure 7 View 2: Existing View and Photo Rendering of Proposed Project from Delancey Street
 Source: Port of San Francisco

D) SUBSTANTIAL LIGHT AND GLARE

The project site is currently occupied by the vacant Pier 36 and waters of the San Francisco Bay. The proposed project would result in the construction of a 57,000 square-foot open space park. The Brannan Street Wharf project proposes light fixtures within the raised lawn area to ensure adequate nighttime illumination, consistent with creating a safe environment for the public. The proposed lighting is consistent with exterior lighting typical along the Embarcadero, and would not change from existing conditions. For these reasons, the proposed project would not generate obtrusive light or glare that would substantially impact other properties, and would not result in a significant effect with regard to substantial light and glare.

CUMULATIVE AESTHETIC IMPACTS

Together, the proposed Brannan Street Wharf, along with the Port Prop A Open Space projects would add and/or improve five open spaces throughout the San Francisco waterfront. The Port of San Francisco Proposition A Waterfront Open Space Improvements projects along with the proposed Brannan Street Wharf project, would change the aesthetic along the waterfront by adding additional open space parks. These proposed projects would not substantially alter scenic vistas or result in demonstrable negative aesthetic effect within its urban setting. For the reasons discussed above, the proposed project's impacts related to aesthetics, both individually and cumulatively, would be less than significant.

For the reasons discussed above, the proposed project's impacts related to aesthetics, both individually and cumulatively, would be less than significant and aesthetics will not be further analyzed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|-------------------------------------|---------------------------|
| 3. POPULATION AND HOUSING— Would the project: | | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|-------------------------------------|---------------------------|
| b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A) POPULATION GROWTH

The proposed project would not result in an increase of population within the vicinity of the project site. The proposed open space would be located adjacent to the Embarcadero and would be built on pier structures, and therefore would not substantially alter existing development patterns in the South Beach neighborhood, or be expected to induce a substantial amount of growth.

B – C) POPULATION AND HOUSING DISPLACEMENT

Currently, the project site is occupied by Pier 36, marginal wharf, and portions of the San Francisco Bay. Pier 36 was condemned in 2004 and no longer employs any persons, and there are no residents on the project site. Therefore, the proposed project would not displace any residences or result in the displacement of any jobs.

As discussed above, the proposed project would not induce any population growth nor have significant physical environmental effects on housing demand or population. For the reasons discussed above, the proposed project's impacts related to population and housing, both individually and cumulatively, are not considered significant under CEQA and this topic will not be discussed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|-------------------------------------|---------------------------|
| 4. CULTURAL AND PALEONTOLOGICAL RESOURCES— Would the project: | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco <i>Planning Code</i> ? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A) ARCHITECTURAL RESOURCES

The project site is currently occupied by Pier 36, waters of the San Francisco Bay, and portions the marginal wharf. Pier 36, and the Pier 36 warehouse building were constructed from 1908 - 1909, and the marginal wharf was constructed in 1909. Pier 36 is not listed in Article 10 of the *Planning Code* (Preservation of Historical Architectural and Aesthetic Landmarks) or Article 11 of the *Planning Code* (Preservation of Buildings and Districts of Architectural, Historical, Aesthetic Importance in the C-3 districts). However, Pier 36, the Pier 36 warehouse building, and the marginal wharf are contributing resources to the San Francisco Embarcadero National Register Historic District.

The proposed project's demolition of Pier 36 buildings would cause a substantial adverse change in the significance of a historical resource. Given the buildings' status as historical resources, demolition of the pier, as proposed, has the potential to cause a significant adverse affect to a historical architectural resource. As a result, the EIR will assess this topic further, describing the history, architect, architectural character, and significance of the buildings on the project site. The EIR will include standards for retention of architectural character and appropriateness of new design, consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.

B) ARCHEOLOGICAL RESOURCES

Factors considered in determining the potential for encountering archeological resources include the location, depth, and the amount of soils disturbance proposed, as well as any existing information about known resources in the area. The project area has potential sensitivity for pre-historic archeological resources. While there are no known archaeological resources, paleontological resources, or human remains within the project area, it is possible that such resources may be present. Archeological resources, including potential ship wrecks, could be encountered during disturbance of sediments below the Bay floor from required pile driving. Excavation and pile driving activities could adversely impact any existing prehistoric deposits, including human remains. This issue will be discussed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|-------------------------------------|-------------------------------------|
| 5. TRANSPORTATION AND CIRCULATION – Would the project: | | | | | |
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity that could not be accommodated by alternative solutions? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|--------------------------|---------------------------|
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The project site is located adjacent to The Embarcadero Roadway, in the South Beach neighborhood of San Francisco, one-half block west of Brannan Street and Delancey Street. The Embarcadero Roadway is a two-way, north-south roadway with two travel lanes in each direction, parking on one side of the street, and bicycle lanes on both sides of the street. Brannan Street is a two-lane, two-way northeast-southwest street, with parking on both sides of the street. Delancey Street is a two-way, northwest-southeast roadway, with two travel lanes in each direction and parking on both sides of the street. King Street is a major two-way, northeast-southwest thoroughfare, with two lanes in each direction parking on both sides, and a landscaped median with MUNI light rail tracks.

In the San Francisco *General Plan*, the Embarcadero and King Street are designated as a Major Arterial in the Transportation Element, part of the Congestion Management Program (CMP) Network, a Transit Preferential Street (Transit Important), a Metropolitan Transportation System (MTS) Network Street, part of the Citywide Pedestrian Network for the Bay, Ridge, and Coast Trail, Neighborhood Commercial Street, and the Citywide Bicycle Route. The intersection of the Embarcadero and Brannan is signalized with a right turn only lane onto Brannan Street.

A – B) TRAFFIC AND LEVEL OF SERVICE

The proposed project would demolish the vacant Pier 36, and construct an approximately 57,000 sq.ft open space park on pier supported structures, to be known as the Brannan Street Wharf. The Brannan Street Wharf would be used for a variety of passive recreational uses, and would include a 26,000 square-foot raised lawn, shade structure, tables, chairs and benches, space for public art installations, and a 2,000 sq.ft. small craft float with accessible gangway. The small craft float would be approximately 30 feet by 68 feet with a low edge suitable for small human powered craft such as kayaks and row. The small craft float and ramp would primarily be for landing and launching of small human-powered craft (e.g.

kayaks, row boats), and designed to meet Americans with Disability Act (ADA) requirements. The Brannan Street Wharf would be used throughout the day, and would not generate increased trips during any certain time of the day.

The change in traffic in the project area as a result of the proposed project would be undetectable to most drivers because the proposed Brannan Street Wharf would be used as passive recreational open space along the existing Herb Caen Way/Embarcadero Promenade, and would draw people from existing neighborhoods, or nearby attractions, rather than create specific trips to the project site. Additionally, any increase in the volume of additional trips would not result in any significant individual or cumulative adverse impacts to any intersection service levels.

No off-street loading spaces would be provided for the proposed Brannan Street Wharf, and none are required in the *Planning Code* for open space parks. The proposed open space park would not have any delivery or service vehicles to the project site. Therefore, loading activity would not pose a significant impact for pedestrian flow or transit.

Construction activities would include daily vehicle trips generated by the arrival and departure of construction workers. Approximately 30 workers would commute to the construction site each day for approximately 21 months for demolition of Pier 36 and the marginal wharf, and construction of the Brannan Street Wharf. The majority of the Pier 36 demolition work will take place from water, using marine equipment for both demolition and debris removal, and will have little to no impact on vehicle, bicycle and pedestrian usage of The Embarcadero. Once Pier 36 is removed, the marginal wharf will be demolished and will require a partial closure, or narrowing of The Embarcadero Promenade, in order to gain access to the seawall. The Promenade is approximately 30 feet wide in this location; it is expected that the 15 feet closest to the Bay will be required for construction, enclosed by temporary fencing or other construction barrier along the entire project length. Construction of the Brannan Street Wharf will use either the Pier 30/32 or a section of the parking lot opposite the Pier 30/32 for construction staging for land based equipment and supplies. The temporary fence currently in place along The Embarcadero Promenade will remain in place. Pile driving for the Brannan Street Wharf will take place using marine equipment. Piles will be brought to the site via barges and maneuvered into place and driven using the marine equipment. The seawall modification will take place with a land based crew and equipment. This operation can typically take place within the 15 ft work zone along the Promenade; however, at times another 5 feet will be required over a small local area. Structural deck construction will take place after piles and seawall modifications are complete. To complete the deck of the Brannan Street Wharf,

concrete placement will utilize one or two landbased concrete boom pump trucks located along The Embarcadero Promenade and supplied by a steady stream of concrete trucks. Expected impacts include closure of the northbound bicycle lane, 1 northbound vehicle lane, and routing pedestrians into a 5 ft wide temporary path set up in the roadway. Pedestrians will also need to wait during short temporary closures required for concrete truck access. This operation will impact traffic and pedestrian flow along The Embarcadero for the duration of the pour, which is expected to last between 1.5 and 3 months. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of the Department of Parking and Traffic (DPT), the Fire Department, Muni's Street Operations and Special Events Office, and other City agencies to determine feasible traffic modifications to reduce traffic congestion and other potential traffic disruption and pedestrian circulation effects during construction of the project (see **Improvement Measure, IM-T-1**). The impact of construction truck traffic would be a temporary lessening of the capacities of local streets due to the lane closure of the northbound lane of The Embarcadero, slower movement and larger turning radii of trucks, which may affect traffic, bicycle and pedestrian operations. Construction workers who drive to the site could cause a temporary parking demand, and the project applicant would make accommodations for construction worker parking at the existing Pier 30/32. Therefore, it is anticipated that construction workers would be accommodated without substantially affecting area wide parking conditions. The impacts of construction on parking and traffic would be limited in scope and temporary in duration, and would not be significant. However, limiting construction-related truck traffic during peak periods would further decrease the less-than-significant construction period impacts. (See Improvement Measure, IM-T-1)

C) AIRPORT HAZARDS

The project site is not located near a public or private airport or within an airport land use plan area. Therefore, this topic is not applicable to the proposed project.

D) TRAFFIC HAZARDS

The proposed project does not include any design features that would substantially increase traffic hazards (e.g., creating a new sharp curve or dangerous intersections), and would not include any incompatible uses, as discussed above in Topic 1, Land Use and Land Use Planning; therefore, there would be no impacts associated with traffic hazards for the proposed project.

E) EMERGENCY ACCESS

The proposed project would not result in a significant impact with regard to emergency access, as the project site is accessible from major streets, including the Embarcadero and Brannan Street.

F) PARKING

As described above, there would be negligible new vehicle trips associated with the proposed Brannan Street Wharf. Additionally, the existing parking conditions near the project site include metered parking spaces along the northbound and southbound lanes, which are generally not completely occupied, and would be sufficient for the proposed project.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines Section 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As described in detail below, the project site is well served by public transit.

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

G) TRANSIT AND ALTERNATIVE MODES OF TRANSPORTATION IMPACTS

The project is well served by public transit, with MUNI providing service in the immediate vicinity. MUNI lines passing within two blocks of the project site include the N and T Muni Metro (light rail) lines, 80X – Gateway Express, 82 - Levi Plaza Express, and the 10 – Townsend bus lines. The Brannan Street Muni Metro station is located parallel to the project site in the median of the Embarcadero. The nearest BART station (Embarcadero and the Montgomery) is approximately one mile west of the project site on Market Street. The increase in transit demand associated with the project would not noticeably affect transit services in the area or affect acceptable transit operations because the project would be a passive open space park that would not generate new transit trips, and would rather draw people from existing neighborhoods, or nearby attractions. In view of the above, project impacts on public transit would not be significant.

Pedestrian conditions in the vicinity of the project, on both sidewalks and crosswalks, were observed to be operating at acceptable levels of service. The project is not expected to substantially change the existing pedestrian conditions because the project would be located adjacent to the Embarcadero, and would add additional pedestrian walking space to the already existing 20-foot sidewalk. Therefore, the proposed project would not result in any significant impacts on pedestrian conditions.

In the vicinity of the project site, King, 2nd, Folsom, and Townsend Streets are designated Citywide Bicycle Routes. These routes are interconnected to the Citywide Bicycle Network and provide access to and from the study area from locations throughout the City. During a field survey, the number of bicyclists observed to be riding in the vicinity of the project site was relatively low. Any increase in traffic

generated by the project would not be substantial enough to affect bicycle travel in the area, and project impacts on bicycles would be less than significant.

Improvement Measure IM-T-1: Construction Traffic Measures

The following measures would minimize disruption of the general traffic flow on adjacent streets:

- To the extent possible, truck movements should be limited to the hours between 9:00 AM and 3:30 PM (or other times, if approved by the SFMTA).
- The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of the SFMTA, the Police Department, the Fire Department, Muni's Street Operations and Special Events Office, the Planning Department, and other City agencies to determine feasible traffic measures to reduce traffic congestion and other potential transit disruption and pedestrian circulation effects during construction of the project.

For the reasons discussed above, the proposed project's impacts related to transportation and circulation, both individually and cumulatively, are considered less than significant under CEQA and this topic will not be discussed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|--------------------------|---------------------------|
| 6. NOISE —Would the project: | | | | | |
| a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Be substantially affected by existing noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

A – B, AND D) CONSTRUCTION NOISE

Demolition and project construction would temporarily and intermittently increase noise and possibly vibration levels around the project site and may be considered an annoyance by occupants of nearby properties. Noise and vibration levels over the estimated 21-month construction period would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Construction noises associated with the proposed project would include demolition, pile driving, truck traffic, and site work. Of these, demolition, pile-driving, and site work would likely generate the most construction-related noise. Throughout the construction period there would be truck traffic to and from the site, hauling away demolition materials and debris, or delivering building materials. It is anticipated that the construction hours would be normal working hours during the week, with possible limited work during nights or weekends. Noise from demolition and construction activities, especially impact tools and pile driving, could result in noise peaks and ground vibration that may disrupt nearby residents. Pile driving of approximately 400 piles would be required to construct the Brannan Street Wharf Project. Potential noise impacts would generally be limited to the period during which new piles would be driven. Noise levels would be sporadic rather than continuous in nature because of the different types of construction equipment used. According to the project sponsor, pile driving could last approximately 270 days for the construction of the Brannan Street Wharf.

The San Francisco Noise Ordinance (Article 29 of the Police Code), amended in November 2008, regulates construction-related noise. Although not listed as a mitigation measure, it is required by law

and would serve to mitigate significant negative impacts of the proposed project on sensitive receptors. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA¹ at a distance of 100 feet from the source. Impact tools, such as jackhammers, must have both the intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works or the Director of Building Inspection. If the noise from the construction work would exceed the ambient noise levels at the property line of the site by five dBA, the work must not be conducted between 8:00 PM and 7:00 AM, unless the Director of DPW or the Director of DBI authorizes a special permit for conducting the work during that period.

Sensitive receptors are people requiring quiet, for sleep or concentration, such as residences, schools, or hospitals, and people themselves who may be relatively more susceptible to adverse health impacts from their environment, such as immune-compromised individuals, populations with elevated levels of chronic illness, children, and the aged. Sensitive noise receptors in proximity to the project area are residents across The Embarcadero from the project site, and residents in the South Beach neighborhood. Construction activities other than pile driving typically generate noise levels no greater than 90 dBA (for instance, for excavation) at 50 feet from the activity, while other activities, such as concrete work, are much less noisy. Closed windows typically can reduce daytime interior noise levels to an acceptable level. Therefore, for nearby sensitive receptors, although construction noise could be annoying at times, it would not be expected to exceed noise levels commonly experienced in an urban environment, and would not be considered significant. Pile driving construction activities under the project could temporarily exceed noise thresholds. Given the above-mentioned City noise regulations, the temporary nature of construction work, and implementation of **Mitigation Measure M-NO-1**, construction noise would have a less-than-significant effect on the environment. Additionally, Improvement Measure IM-T-1, proposed to minimize the disruption of traffic flow by limiting truck movement to the hours between 9:00 AM and 3:30 PM, would also have the secondary effect of reducing the construction noise impacts.

C) AMBIENT NOISE LEVELS

Ambient noise levels in the project vicinity are typical of noise levels in greater San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni trains, and emergency vehicles. The Embarcadero Roadway is moderately to heavily trafficked, and generates moderate to high levels of

¹ dBA is the symbol for decibels using the A-weighted scale. A decibel is a unit of measurement for sound loudness (amplitude). The A-weighted scale is a logarithmic scale that approximates the sensitivity of the human ear.

traffic noise. Observation indicates that surrounding land uses do not noticeably conduct noisy operations.

Vehicular traffic makes the greatest contribution to ambient noise levels throughout most of San Francisco. Generally, traffic must double in volume to produce a noticeable increase in the ambient noise level in the project vicinity. The proposed project would be a passive open space park that would not generate new traffic trips, and would rather draw people from existing neighborhoods, or nearby attractions. Therefore, the existing traffic in the project vicinity would not noticeably increase and the proposed project would not cause traffic volumes to double on area streets, and it would not have a noticeable effect on ambient noise levels in the project vicinity, nor would the project contribute to any potential cumulative traffic noise effects.

The proposed project would not include any mechanical equipment which would produce operational noise. Therefore, substantial increases in the ambient noise level due to building equipment noise would not be anticipated. At the project location, operational noise would not be expected to be noticeable, given background noise levels along the Embarcadero.

E, F) PRIVATE AIRSTRIP

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore, this topic is not applicable.

G) EXISTING NOISE LEVELS

The Brannan Street Wharf project would be affected by elevated noise levels due to proximity to high volumes of traffic activity along The Embarcadero Roadway. There would be no impact to ambient noise levels by the project in operation, because the project does not include construction of buildings, and noise from conditioning indoor air, nor program noise-generating recreational uses. New noise exposure as a result of the project would come from adding open space recreational uses and persons to areas with elevated noise levels in the existing environment.

Noise Compatibility. The Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise.² These guidelines, which are similar to but differ somewhat from state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. For residential uses, the maximum "satisfactory" noise level without incorporating noise insulation into a project is 60 dBA (Ldn), while the guidelines indicate that playgrounds and parks should be discouraged at noise level ranges from 68 to 77 dBA (Ldn).^{3,4} Based on modeling of traffic noise volumes conducted by the San Francisco Department of Public Health (DPH),⁵ the proposed Brannan Street Wharf have ambient traffic noise levels within the ranges to discourage such uses, with some near-road portions of the proposed project having ambient conditions in excess of 70 dBA, at which level the guideline indicates some park uses should generally not be undertaken. However, since the open space would not have children's playground facilities or facilities that would attract visitors for extended periods of time or have overnight accommodations, it would be reasonable from a health perspective to allow short term park usage.⁶ Because impacts would be temporary, and because playground-type uses would not be programmed, the effect of this land use inconsistency with the *General Plan* would be considered less-than-significant.

In summary, the operational noise from the proposed project, including traffic-related noise, would not significantly increase the ambient noise levels in the project vicinity. Construction-related increases in noise and vibration resulting from project construction would not be considered a significant impact because of the temporary and intermittent nature of construction, and because the contractor would be required to comply with the City's Noise Ordinance, and **Mitigation Measure M-NO-1, and Improvement Measure IM-NO-1.**

² City and County of San Francisco, Planning Department, San Francisco General Plan, Environmental Protection Element, Policy 11.1.

³ 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).

⁴ The 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.

⁵ Traffic noise map presented on DPH website: <http://www.sfdph.org/dph/EH/Noise/default.asp>.

⁶ Rivard, Tom. City and County of San Francisco, Department of Public Health, Memorandum to Diane Oshima, Director Waterfront Planning, Port of San Francisco, July 23, 2009.

Mitigation Measure M-NO-1: Pile Driving

The following measures would minimize pile driving noise for adjacent residents:

The project sponsor shall require construction contractors use noise-reducing pile driving techniques such as, use cushions between top of pile and the hammer, vibrating piles into place and use predrilling or jetting to help ease pile driving when feasible, and consider use of concrete piles instead of steel piles. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would be in accordance with the provisions of the San Francisco Noise Ordinance, to disturb the fewest people.

Improvement Measure M-NO-1: Pile Driving

In addition, the following improvement measure involving pile-driving construction would be included in the implementation of open space improvements:

Prior to the start of pile driving activity, the Port would work with its construction contractors to notify and meet with neighboring property owners/businesses within 300 feet of the project site at least one month in advance, to inform them of dates, hours and duration of the pile-driving work so that these parties can plan their activities accordingly.

Implementation of **Mitigation Measure M-NO-1** would reduce this impact to a less-than-significant level. For the reasons discussed above, the proposed project's impacts related to noise both individually and cumulatively, are considered less than significant under CEQA, and this topic not be discussed further in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|--------------------------|---------------------------|
| 7. AIR QUALITY | | | | | |
| Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|-------------------------------------|---------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A – B, D) CONFLICT WITH AIR QUALITY PLANS

The Federal Clean Air Act (CAA), as amended, and the California Clean Air Act (CCAA) legislate ambient air standards and related air quality reporting systems for regional regulatory agencies to then develop mobile and stationary source control measures to meet the standards. BAAQMD is the primary responsible regulatory agency in the Bay Area for planning, implementing, and enforcing the federal and State ambient standards for criteria pollutants.⁷ Criteria air pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead.

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

Construction-Related Impacts

Demolition and new construction activities would temporarily affect local air quality during the project's proposed construction schedule, causing temporary increases in particulate dust and other pollutants.

⁷ State and federal air quality standards and the Bay Area's attainment status can be viewed on the BAAQMD website at <http://www.baaqmd.gov>.

Emissions generated from construction activities include dust (including PM-10 and PM-2.5)⁸ primarily from “fugitive” sources, combustion emissions of criteria air pollutants (reactive organic gases [ROG], nitrogen oxides [NOx], carbon monoxide [CO], sulfur oxides [SOx], and PM-10) primarily from operation of construction equipment and worker vehicles, and evaporative emissions (ROG) from asphalt paving. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines recognize that construction equipment emits ozone precursors, but indicates that such emissions are included in the emission inventory that is the basis for regional air quality plans.⁹ Therefore, construction emissions are not expected to impede attainment or maintenance of ozone standards in the Bay Area.

Project-related demolition, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the California Air Resources Board, reducing ambient particulate matter from 1998 – 2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

Dust can be an irritant causing watering eyes or irritation to the lungs, nose and throat. Demolition, excavation, grading and other construction activities can cause wind-blown dust to add to particulate matter in the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil or demolition materials.

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Health Code 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 DBI.

⁸ Particles that are 10 microns or less in diameter and 2.5 microns or less in diameter, respectively.

⁹ Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans*, December 1999.

The project sponsor and the contractor responsible for construction activities at the project site shall use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco *Public Works Code*. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

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

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

particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

The Port would evaluate project-specific conditions as the construction plans and specifications are developed, and incorporate applicable regulations into its construction contract documents. The Port and its contractors' compliance with BAAQMD regulations, the local Construction Dust Control Ordinance, and other applicable regulations would prevent significant air quality impact resulting from project construction.

Operational Emissions

The proposed Brannan Street Wharf open space park would not have stationary source emissions generated by mechanical equipment, therefore, this impact would be considered less than significant. The proposed project would not violate any BAAQMD ambient air quality standard or contribute substantially to an existing or projected air quality violation. For all of the above reasons, the proposed project would not generate significant operational air quality impacts.

The *BAAQMD CEQA Guidelines* indicate that for any project that does not individually have significant operational air quality impacts, the determination of whether it has a significant cumulative impact should be based on whether it is consistent with the *General Plan*. The proposed project would be generally consistent with the *General Plan* and, as such, air quality management plans such as the *Bay Area 2000 Clean Air Plan*, and the *Bay Area 2005 Ozone Strategy*. Additionally, the *General Plan*, the *Planning Code*, and the City Charter implement various transportation control measures identified in the *2005 Ozone Strategy* through the City's Transit First Program, bicycle parking requirements, transit development fees, and other actions. Accordingly, the proposed project would not contribute considerably to cumulative air quality impacts, nor would it interfere with implementation of the *2005 Ozone Strategy* or the *2001 Ozone Attainment Plan*, which are the applicable regional air quality plans developed to improve air quality towards attaining the State and federal ambient air quality standards. As such, the operational characteristics of the proposed project would not result in cumulatively considerable increases in regional air pollutants.

The project would not introduce any stationary emissions sources to the project site. The project would not violate any BAAQMD ambient air quality standard or contribute substantially to an existing or projected air quality violation. Operational emissions associated with the proposed project are minimal

and would clearly not result in significant environmental impacts, nor would these emissions be cumulatively considerable in the context of global climate change. Therefore, no significant operational air quality impacts would be generated by the project.

Traffic Emissions

The BAAQMD has established thresholds for projects requiring its review for potential air quality impacts.¹⁰ These thresholds are based on minimum size projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. The BAAQMD generally does not recommend a detailed air quality analysis for projects that would generate fewer than 2,000 vehicle trips per day. The proposed project would be a passive open space park that would not generate new traffic trips, and would rather draw people from existing neighborhoods, or nearby attractions. Therefore, the proposed project would generate a negligible amount of net new daily vehicle trips, substantially fewer than the BAAQMD threshold of 2,000 daily vehicle trips. Therefore, no detailed air quality analysis is needed, and no significant air quality impacts due to vehicular emissions would be generated by the proposed project.

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 of more

¹⁰ Ibid, page 25.

than 100,000 vehicles/day.”¹¹ However, there are no existing federal or State regulations to protect sensitive land uses from roadway air pollutants.

The San Francisco Department of Public Health (DPH) has issued guidance for the identification and assessment of potential air quality hazards and methods for assessing the associated health risks.¹² Consistent with CARB guidance, DPH has identified that a potential public health hazard for sensitive land uses exists when such uses are located within a 150-meter (approximately 500-foot) radius of any boundary of a project site that experiences 100,000 vehicles per day. To this end, San Francisco added Article 38 of the San Francisco Health Code, approved November 25, 2008, which requires that, for new residential projects of 10 or more units located in proximity to high-traffic roadways, as mapped by DPH, an Air Quality Assessment be prepared to determine whether residents would be exposed to potentially unhealthful levels of PM_{2.5}. Through air quality modeling, an assessment is conducted to determine if the annual average concentration of PM_{2.5} from the roadway sources would exceed a concentration of 0.2 micrograms per cubic meter (annual average).¹³ If this standard is exceeded, the project sponsor must install a filtered air supply system, with high-efficiency filters, designed to remove at least 80 percent of ambient PM_{2.5} from habitable areas of residential units.

The project site, at Pier 36 is not located within the Potential Roadway Exposure Zone, as mapped by DPH. Thus, the proposed project is not expected to result in a significant impact from exposure of sensitive receptors to high concentrations of roadway-related pollutants.

¹¹ California Air Resources Board, 2005 Air Quality and Land Use Handbook: A Community Health Perspective, <http://www.arb.ca.gov/ch/landuse.htm>, accessed September 8, 2008.

¹² San Francisco Department of Public Health, Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008, http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AQLU_Conflicts.pdf, accessed September 8, 2009.

¹³ According to DPH, this threshold, or action level, of 0.2 micrograms per cubic meter represents about 8 – 10 percent of the range of ambient PM_{2.5} concentrations in San Francisco based on monitoring data, and is based on epidemiological research that indicates that such a concentration can result in an approximately 0.28 percent increase in non-injury mortality, or an increased mortality at a rate of approximately 20 “excess deaths” per year per one million population in San Francisco. “Excess deaths” (also referred to as premature mortality) refer to deaths that occur sooner than otherwise expected, absent the specific condition under evaluation; in this case, exposure to PM_{2.5}. (San Francisco Department of Public Health, Occupational and Environmental Health Section, Program on Health, Equity, and Sustainability, “Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review,” May 6, 2008. Twenty excess deaths per million based on San Francisco’s non-injury, non-homicide, non-suicide mortality rate of approximately 714 per 100,000. Although San Francisco’s population is less than one million, the presentation of excess deaths is commonly given as a rate per million population.)

C) GREENHOUSE GASES

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth's atmosphere, also contributes to the retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the “reference gas” for climate change, meaning that emissions of GHGs are typically reported in “carbon dioxide-equivalent” measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.¹⁴ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

The California 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.¹⁵ The CEC found

¹⁴ California Air Resources Board (ARB), 2006a. Climate Change website (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>) accessed December 4, 2007.

¹⁵ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in “carbon dioxide-equivalents,” which present a weighted average based on each gas's heat absorption (or “global warming”) potential.

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 industrial sources at 13 percent.¹⁶ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.¹⁷

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.¹⁸

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 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. CARB staff is preparing a scoping plan to meet the 2020 greenhouse gas reduction limits outlined in AB 32. In order to meet these goals, California must reduce their greenhouse gases by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from

¹⁶ 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/ccei/emsinv/emsinv.htm>.

¹⁷ BAAQMD, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002, November 2006. Available on the internet at: http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

¹⁸ California Air Resources Board (CARB), *Climate Change Draft Scoping Plan: A Framework for Change*, June 2008 Discussion Draft. Available on the internet at: <http://www.climatechange.ca.gov/index.php>. Accessed July 29, 2008.

today's levels. In June 2008, CARB released their Draft Scoping Plan, which estimates a reduction of 169 million metric tons of CO₂-eq (MMTCO₂-eq). Approximately one-third of the emissions reductions strategies fall within the transportation sector and include the following: California Light-Duty Vehicle GHG standards, the Low Carbon Fuel Standard, Heavy-Duty Vehicle GHG emission reductions and energy efficiency, and medium and heavy-duty vehicle hybridization, high speed rail, and efficiency improvements in goods movement. These measures are expected to reduce GHG emissions by 60.2 MMTCO₂-eq. Emissions from the electricity sector are expected to reduce another 49.7 MMTCO₂-eq. Reductions from the electricity sector include building and appliance energy efficiency and conservation, increased combined heat and power, solar water heating (AB 1470), the renewable energy portfolio standard (33 percent renewable energy by 2020), and the existing million solar roofs program. Other reductions are expected from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs. Local government actions and regional GHG targets are also expected to yield a reduction of 2 MMTCO₂-eq.¹⁹ Measures that could become effective during implementation pertain to construction-related equipment and building and appliance energy efficiency. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA). Applicable measures that are ultimately adopted will become effective during implementation of proposed project and the proposed project could be subject to these requirements, depending on the proposed project's timeline.

Local Actions

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

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

¹⁹ Ibid.

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

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

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

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

Impacts

Although neither the Bay Area Air Quality Management District (BAAQMD) or any other agency has adopted significance criteria for evaluating a project's contribution to climate change, the 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.”²⁰ 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. OPR will develop, and the California Resources Agency will certify and adopt amendments to the CEQA Guidelines on or before January 1, 2010, pursuant to Senate Bill 97.

The informal guidelines in OPR's technical advisory provide the basis for determining proposed project's contribution of greenhouse gas emissions and the project's contribution to global climate change. In the absence of adopted statewide thresholds, OPR recommends the following approach for analyzing greenhouse gas emissions:

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

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

Identifying and quantifying a project's greenhouse gas emissions. OPR's technical advisory states that “the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.” State law defines GHG to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project, however, the GHG calculation does include emissions from CO₂, N₂O, and CH₄, as recommended by OPR. The informal guidelines also advise that lead agencies should calculate, or estimate, emissions from vehicular traffic, energy consumption, water usage and construction activities. The calculation presented below includes construction emissions and annual CO₂-eq GHG emissions from energy consumption, as well as estimated GHG emissions from solid waste disposal. While San Francisco's population and businesses are expected to increase, overall projected water demand for San Francisco in 2030 is expected to decrease from current water demand due to

²⁰ 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. This document is available online at the Office of Planning and Research's website at: www.opr.gov. Accessed July 24, 2008.

improvements in plumbing code requirements and additional water conservation measures implemented by the San Francisco Public Utilities Commission (SFPUC).²¹ Given the anticipated degree of water conservation, GHG emissions associated with the transport and treatment of water usage would similarly decrease through 2030, and therefore increased GHG emissions from water usage is not expected.

Construction of the proposed project would emit 49.40 MTCO₂E in 2010, 762.68 MTCO₂E in 2011 and 250.77 MTCO₂E in 2012..²² Direct project emissions of carbon dioxide equivalents (CO₂-eq) (including CO₂, NO_x, and CH₄ emissions) include 1.81 MTCO₂E/year from transportation, and 0.23 MTCO₂E /year from landscaping activities, for a total of 2.04 MTCO₂E/year of project-emitted GHGs. The project would also indirectly result in GHG emissions from off-site electricity generation for lighting at the wharf (approximately 1.62MTCO₂E/year) for a GHG emissions total of approximately 1.62 MTCO₂E/year. Construction emissions for all three years (2010, 2011 and 2012) represent approximately <1 percent of Bay Area GHGs emitted in 2002, and annual emissions represent approximately <1 percent of total Bay Area GHGs emitted in 2002.²³

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

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

²¹ The San Francisco Public Utilities Commission's (SFPUC) *City and County of San Francisco Retail Water Demands and Conservation Potential*, November 2004, documents the current and projected water demand given population and housing projections from Citywide Planning. This document is available at the SFPUC's website at: http://sfwater.org/detail.cfm/MC_ID/13/MSID_ID/165/C_ID/2281. Accessed 07/28/2008. The analysis provides projections of future (2030) water demand given anticipated water conservation measures from plumbing code changes, measures the SFPUC currently implements, and other measures the SFPUC anticipates on implementing. Conservation measures the SFPUC currently implements results in an overall reduction of 0.64 million gallons of water per day (mgd).

²² 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.

²³ The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2002 at approximately 85 million CO₂-eq 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.

- 1) Does the project conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32 (California Global Warming Solutions Act of 2006), such that the project's GHG emissions would result in a substantial contribution to global climate change. **AND**
- 2) Does the proposed project conflict with San Francisco's Climate Action Plan such that it would impede implementation of the local greenhouse gas reduction goals established by San Francisco's Greenhouse Gas Reduction Ordinance.

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

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

As discussed previously, San Francisco has been actively pursuing cleaner energy, transportation and solid waste policies. In an independent review of San Francisco's community wide emissions it was reported that San Francisco has achieved a 5% reduction in communitywide greenhouse gas emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7% below 1990 levels by 2012. The "community-wide inventory" includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well as municipal operations. The inventory also includes emissions from both transportation sources and from building energy sources.

Probable future greenhouse gas reductions will be realized by implementation of San Francisco's recently approved Green Building Ordinance. Additionally, the recommendations outlined in the Draft AB 32 Scoping Plan will likely realize major reductions in vehicle emissions.

Further, the State of California Attorney General's office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.²⁴ The proposed project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring at least 65% of all construction and demolition material to be diverted from landfills²⁵.

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

E) ODORS

The project would not result in a perceptible increase or change in noxious odors on the project site or in the vicinity of the project, as it would not include uses prone to generation of noxious odors. Observation indicates that surrounding land uses are not sources of noticeable odors, and therefore, would not adversely affect project vicinity residents.

As discussed above, the proposed project would not conflict with applicable air quality plans, would not create significant operational or cumulative air emissions, and would not create objectionable odors. Therefore, the proposed projects impacts would be considered to a less-than-significant level and this topic will not be addressed in the EIR.

²⁴ State of California, Department of Justice, "The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level." Updated December 9, 2008. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf, accessed July 7, 2009.

²⁵ Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|--------------------------|---------------------------|
| 8. WIND AND SHADOW —Would the project: | | | | | |
| a) Alter wind in a manner that substantially affects public areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

A) WIND

The proposed open space would not include buildings or other structures that would alter wind on the newly improved open spaces, nor on surrounding development. Therefore, the project would not result in significant effects related to wind.

B) SHADOW

Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the City Planning Commission finds the impact to be insignificant. The proposed open space improvement would not construct buildings or other structures that would cast shadows on the newly created open space, nor on surrounding development. Therefore, the proposed Brannan Street Wharf would not result in any shadow impacts.

For these reasons discussed above, the proposed project's impacts related to wind and shadows, both individually and cumulatively, are considered less than significant under CEQA and this topic will not be addressed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|-------------------------------------|---------------------------|
| 9. RECREATION —Would the project: | | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Physically degrade existing recreational resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A – C) PARKS AND RECREATION

South Beach Park, located approximately three blocks to the south of the project site, is the nearest public open space in the project vicinity. The proposed project would not increase the use of existing community recreational facilities and parks in the area because the proposed project would construct a 57,000 sq.ft. open space that would contribute to the available recreational facilities in the vicinity of the project site. Therefore, the project would not be considered a substantial contribution to the existing demand for public recreational facilities in this area and would not result in substantial physical deterioration of existing recreational resources. The proposed project would not require the construction or expansion of off-site recreational facilities that might have an adverse physical effect on the environment.

For the reasons discussed above, the proposed project's impacts related to recreation, both individually and cumulatively, are considered less than significant under CEQA and this topic will not be addressed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|--------------------------|--------------------------|
| 10. UTILITIES AND SERVICE SYSTEMS — Would the project: | | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|--------------------------|--------------------------|
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The proposed Brannan Street Wharf project would demolish the existing Pier 36 and construct a 57,000 square-foot open space park for passive recreation opportunities, for the surrounding existing populations and/or visitors walking along the Embarcadero, and to the destination locations including AT&T Park, and South Beach Harbor.

A – C AND E) WASTEWATER/STORMWATER

The Port of San Francisco properties are served by separate wastewater and stormwater facilities. However, currently the project site is occupied by the vacant Pier 36, the Pier 36 warehouse building, and waters of the San Francisco Bay, which are not currently served by either stormwater or wastewater facilities. The project-related stormwater would be treated onsite by incorporating design specifications into the Brannan Street Wharf. The proposed Brannan Street Wharf stormwater system would be in compliance with RWQCB requirements (discussed further under Topic 14, Hydrology and Water Quality). Additionally, the proposed Brannan Street Wharf would not require any wastewater facilities. The project would not require substantial expansion of wastewater/stormwater treatment facilities or an

extension of a sewer trunk line, as the project would direct flows to existing facilities and would provide its own treatment facilities on-site. As no new wastewater/stormwater infrastructure would be required to serve the project, no significant effects would result.

D) WATER SUPPLY

All large-scale projects in California subject to CEQA are required to obtain an assessment from a regional or local jurisdiction water agency to determine the availability of a long-term water supply sufficient to satisfy project-generated water demand under Senate Bill 610 and Senate Bill 221.²⁶ Under Senate Bill 610, a Water Supply Assessment (WSA) is required if a proposed project is subject to CEQA review in an EIR or Negative Declaration and is any of the following: (1) a residential development of more than 500 dwelling units; (2) a shopping center of business employing more than 1,000 persons or having more than 500,000 sf of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,000 sf of floor space; (4) a hotel or motel with more than 500 rooms; (5) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 sf or 40 acres; (6) a mixed-use project containing any of the foregoing; or (7) any other project that would have a water demand at least equal to a 500 dwelling unit project. The proposed project would not exceed any of these thresholds and therefore, would not be required to prepare a WSA.

In May 2002, the SFPUC adopted a resolution finding that the SFPUC's Urban Water Management Plan (UWMP) adequately fulfills the requirements of the water assessment for water quality and wastewater treatment and capacity as long as a project is covered by the demand projections identified in the UWMP, which includes all known or expected development projects and projected development in San Francisco at that time through 2020. The UWMP uses growth projections prepared by the Planning Department and Association of Bay Area Governments (ABAG) to estimate future water demand. Therefore, the project would not exceed the UWMP's water supply projections.

The proposed project would require water connections per the SFPUC. The proposed project would use existing wastewater and storm drainage infrastructure unless the SFPUC recommends changes to the size and design of this infrastructure.

²⁶ California Department of Water Resources (2003). Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001. Available at www.owue.water.ca.gov/Guidebook_101003.pdf. Accessed on July 2, 2008.

The proposed Brannan Street Wharf would result in an increase in consumption of water because the proposed lawn area, which is approximately 400 foot long and varies in width from 45 to 85 ft, would be connected to the SFPUC for irrigation water supply. The proposed lawn would be raised approximately 18" above surrounding grade and contained by a concrete seawall and base with drain rock, filter fabric and drainmat. The lawn would consist of drought tolerant grass and irrigated with a subsurface capillary irrigation system connected to SFPUC water supply. The proposed irrigation system would be designed to incorporate water-conserving measures, such as providing efficient supply water directly to the root zone, which would minimize water demand. The proposed project is expected to consume 4,300 gallon/day during first growing season, and then 1,300 gallon/day for subsequent growing seasons.

Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase would be accommodated by existing and planned water supply anticipated under the SFPUC's *2005 Urban Water Management Plan* and would include water conservation devices, it would not result in a substantial increase in water use and could be served from existing water supply entitlements and resources. Considering all of the above, the proposed project would result in less-than-significant project-specific and cumulative water supply impacts.

Considering the above, the proposed project, both individually and cumulative, would not have a significant effect on water supply.

F) SOLID WASTE

Solid waste generated in San Francisco is transported to and disposed of at the Altamont Landfill. The landfill has a permitted peak maximum daily disposal of 11,150 tons per day and is currently operating at approximately 4,000 to 5,000 tons per day. The landfill has an annual solid waste capacity of 2,226,500 tons for the City of San Francisco. However, the City is well below its allowed capacity, generating approximately 550,000 tons of solid waste in 2005.

Recycling, composting, and waste reduction efforts are expected to increasingly divert waste from the landfill. The City Board of Supervisors adopted a plan in 2002 to recycle 75 percent of annual wastes generated by 2010. The project would be expected to participate in the City's recycling and composting programs and other efforts to reduce the solid waste disposal stream. The Altamont Landfill is expected to remain operational for 20 or more years, and has current plans to increase capacity by adding 250 additional acres of fill area. With the City's increase in recycling efforts and the Altamont Landfill expansion, the City's solid waste disposal demand could be met through at least 2026. Given the existing

and anticipated increase in solid waste recycling and the proposed landfill expansion in size and capacity, and the fact that no residential or commercial uses are proposed, the impacts on solid waste facilities from the project would be less than significant.

For the reasons discussed above, the proposed project's impacts related to utilities and service systems, both individually and cumulatively, are considered less than significant under CEQA and this topic will not be addressed in the EIR.

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

A) POLICE AND FIRE PROTECTION SERVICES

The project site currently receives emergency services from the San Francisco Fire Department (SFFD), Station 35 at Pier 22 ^{1/2}, which is approximately five blocks south of the project site, and the San Francisco Police Department (SFPD), Southern Station at 850 Bryant Street, which is approximately six blocks southwest of the project site. The proposed project would not create additional demand for fire suppression and police service in the area because the proposed project would demolish the existing vacated Pier 36 and construct a 55,000 square-foot open space park. Additionally, the SFPD has sufficient resources to accommodate a project of this size. Therefore, the proposed project would not create the need for new fire protection facilities that would result in impacts to the physical environment. Overall, the proposed project would result in less-than-significant impacts related to police and fire protection services and this topic will not be addressed in the EIR.

B) SCHOOLS

The proposed project would construct a 57,000 square-foot open space park that would not add new population to the area, and therefore, would not have an impact on schools.

In light of the above, public services would not be adversely affected by the project, individually or cumulatively, and no significant effect would ensue. Therefore, this topic will not be addressed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|--|---|-------------------------------------|-------------------------------------|
| 12. BIOLOGICAL RESOURCES— Would the project: | | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

A – D) SPECIAL STATUS SPECIES

The project site is occupied by the existing Pier 36, portions of the marginal wharf, and waters of the San Francisco Bay. The project vicinity is an urban environment and experiences high levels of human activities. The proposed project's construction activities have the potential to impact special-status species (i.e. species that are state or federally designated as candidate, threatened, endangered, protected, or species of special concern). Specifically, project construction in and over water could impact fish habitat or special-status species. Central California coast steelhead, Chinook salmon, and Green sturgeon are federally designated as threatened or endangered (depending on specific population), and either migrate through, or in the case of Green sturgeon, reside in San Francisco Bay. Pacific Herring is not designated as a special-status species, but herring, which spawn in San Francisco Bay, support a productive commercial fishery and are an important source of food for larger fish. The San Francisco Bay is deemed Essential Fish Habitat for various species of sole, rockfish and shark regulated under the Magnuson-Stevens Fisheries Conservation and Management Act. Longfin Smelt ranges throughout San Francisco Bay and is listed as a threatened species under the California Endangered Species Act. Pile-driving for the construction of the Brannan Street Wharf could impact these fish species by disturbing sediment, which could impact herring spawn that may have settled in the vicinity, or by creating underwater sound that generates a pressure wave that can injure or kill fish.

Additionally, the Pier 36 warehouse shed building, and the marginal wharf, may contain habitat for Western Gulls (*Larus occidentalis*). Nesting birds, their nest, and eggs are fully protected by Fish and Game Code (Sections 3503, 3503.5) and the Migratory Bird Treaty Act of 1918. Demolition of Pier 36 and the marginal wharf that would have the potential to disturb gulls during nesting season (April through September) would require a permit from the U.S. Fish and Wildlife Service. Destruction of a nest would be a violation of these regulations and is considered a potentially significant impact. The analysis of impacts on biological resources will be discussed in the EIR.

E – F) TREES

The San Francisco Board of Supervisors adopted legislation that amended the City's Urban Forestry Ordinance, Public Works Code Sections 801 et. seq., to require a permit from the DPW to remove any protected trees.²⁷ Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco.

²⁷ San Francisco Planning Department, Director's Bulletin No. 2006-01, May 5, 2006, Planning Department Implementation of Tree Protection Legislation, page 2, http://www.sfgov.org/site/uploadedfiles/planning/projects_reports/db2006_01treedisclosuredirector.pdf.

A Tree Disclosure Statement for the proposed project identified that there are no street trees or significant trees on the project site. The proposed project would not result in the removal of any trees on the project site and would not conflict with any local policies or ordinances protecting trees.

As described above, the proposed project has the potential affect rare, threatened, or endangered species. Therefore, potential biological resources impacts will be evaluated in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|-------------------------------------|-------------------------------------|
| 13. GEOLOGY AND SOILS— | | | | | |
| Would the project: | | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Change substantially the topography or any unique geologic or physical features of the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A – D) SEISMIC AND GEOLOGIC HAZARDS

The Community Safety Element of the *General Plan* contains maps that indicate areas of the city where one or more geologic hazards exist. Maps 2 and 3 in the Community Safety Element of the *General Plan* show the intensity of ground shaking in San Francisco from two of the most probable earthquakes, one of magnitude 7.1 on the San Andreas Fault and one of magnitude 7.1 on the northern segment of the Hayward fault. The project site is in a Seismic Hazards Study Zone designated by the California Division of Mines and Geology as an area subject to “heavy” to “moderate” damage from seismic groundshaking along both the Peninsula segment of the San Andreas Fault and the Northern segment of the Hayward fault. The project site is not in an area subject to landslide, run-up, or reservoir hazards (Maps 5, and 7 in the Community Safety Element).²⁸ However, the project site is located within an area subject to seiche, or tsunami (Map 6 in the Community Safety Element). The potential seiche and tsunami hazards associated with the proposed project are discussed below under topic 14, Hydrology and Water Quality.

A geotechnical report was prepared for the proposed project by Winzler & Kelley.²⁹ The project site subsurface conditions under the bay waters are underlain by 25 feet of young bay mud underlain by Quaternary-age alluvial/marine deposits. The land west of the seawall was reclaimed from the San Francisco Bay, where most of the young bay mud was dredged out, and artificial fill was placed to attain site grades. The groundwater level behind the seawall experiences some tidal influence from the adjacent San Francisco Bay and will fluctuate relative to daily high and low tide levels. Groundwater was estimated to be about 7 to 9 feet deep. The report found that the main geological hazards that the proposed project would be subject to strong ground shaking, seismic settlement, lateral spread, and inundation by tsunamis.

Based on its San Francisco location, it is likely that the site would experience periodic minor earthquakes and potentially a major (moment magnitude [Mw] greater than 7.1 characteristic) earthquake on one or more of the nearby faults during the life of the proposed development. The closest mapped active fault to the project site is the San Andreas Fault located approximately 10 kilometers to the west. The Working

²⁸ San Francisco Planning Department, Community Safety Element, *San Francisco General Plan*, April 1997.

²⁹ Winzler & Kelley, Geotechnical Data Report, Brannan Street Wharf, San Francisco, CA, July 2009. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.0418E.

Group for California Earthquake Probabilities estimates a 62 percent probability of an earthquake of Mw 6.7 or greater occurring on one of the major faults in the Bay Area by 2031.³⁰

The project site is not within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known fault or potentially active fault exists on the site. In a seismically active area, such as the San Francisco Bay Area, the possibility exists for future faulting in areas where no faults previously existed.

The proposed project would be required to conform to the Port Building Code, which ensures the safety of all new construction in the within Port property. In accordance with these requirements, prior to construction, a site-specific geotechnical investigation would be conducted and site-specific recommendations would be made for the construction of the pile-supported open space. The recommendations and final building plans would be subject to review and compliance with standards and requirements of the Port Building Code prior to issuance of Port building permits. In reviewing building plans, the Port Engineering Division refers to a variety of information sources to determine existing hazards and assess design and construction requirements. Sources reviewed include maps of special Geologic Study Areas in San Francisco as well as working knowledge of areas of special geologic concern. Site-specific geotechnical reports will inform the engineering requirements of the open space to comply with applicable Port Building Code standards, which will reduce the risk from earthquake-induced ground shaking and liquefaction. The proposed project would include the removal of approximately 800 linear feet of the marginal wharf, which has been condemned due to structural deterioration and is considered seismically unsafe. Additionally, Pier 36, and pile-supported platform is also condemned and inaccessible because it is accessed from the marginal wharf. Therefore, the project would not result in significant effects with regard to earthquake-induced ground shaking or liquefaction and this topic will not be addressed in the EIR.

E) ALTERNATIVE WASTEWATER

The proposed project would not require any septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. Therefore, this impact is not applicable to the proposed project.

³⁰ Earthquake probabilities were analyzed by the Working Group for California Earthquake Probabilities, a group assembled by the U.S. Geological Survey, Earthquake Hazards Program. Its analysis is available online for review at <http://quake.usgs.gov/research/seismology/wg02/>.

F) TOPOGRAPHY

The proposed project would not change the topography of the site because the proposed open space would be constructed on a pile supported pier over waters of the San Francisco Bay. The project site does not have unique geologic or physical features. Therefore, the proposed project would result in no impacts with respect to changes to topographical features located on the project site.

For reasons discussed above, the proposed project would result in less-than-significant impacts related to geology, topography, or seismic hazards, either individually or cumulatively. Therefore, this topic will not be addressed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|--|---|-------------------------------------|--------------------------|
| 14. HYDROLOGY AND WATER QUALITY – | | | | | |
| Would the project: | | | | | |
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|--|---|-------------------------------------|-------------------------------------|
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

A AND F) WATER QUALITY

Construction

Construction of the Brannan Street Wharf project will involve demolition and removal of the existing structures at Pier 36, including the concrete warehouse building, steel and concrete pier deck and marginal wharf, concrete caissons supporting the pier deck, concrete and timber piles, and remains of the timber wharf extension. Demolition on this scale poses the risk of disturbing and resuspending sediment in the bay water during pile removal, and potential for wood, concrete, or other demolition debris to be released to the water during pile removal and/or demolition of structures. Repairs to the seawall, including the potential addition of tie-back from the face of the concrete wall into soil behind the wall and/or application of new concrete to the surface, could disturb soil or sediment, or pose a risk of releasing concrete during construction. Installation of new piles and pile-supported structures to construct the new Brannan Street Wharf also pose a potential risk of disturbing sediment and/or releasing construction materials or debris to the water. These construction activities would be conducted pursuant to the San Francisco Regional Water Quality Control Board (RWQCB) permits, which will authorize the project by issuing "Waste Discharge Requirements" (WDRs) or a "Conditional Authorization, or potentially waiving WDRs. Either of these RWQCB authorizations will specify required water quality protection provisions as warranted based on the specific project description. Additionally, project

construction would also be pursuant to Bay Conservation and Development Commission regulations for waterfront construction activities, including conditions designed to protect water quality.

For projects that are subject to numerous regulations and permits that impose water quality protection and other environmental protection (e.g. air quality, biological resources) requirements, or for projects where the Port determines that certain environmental protections should be implemented in addition to those required by regulatory permits, the Port may require its construction contractor to prepare an “Environmental Protection Plan” (EPP) that consolidates all applicable requirements into a single document. The Port will require its contractor to prepare an EPP for construction of the Brannan Street Wharf. The EPP serves as a valuable project planning tool and provides the Port with a mechanism to communicate and enforce environmental protection measures required by regulatory agency or permit, or measures imposed by the Port. Compliance with RWQCB and BCDC permits, and implementation of other applicable pollution prevention measures to be developed as part of a project-specific EPP will ensure that project construction will not adversely impact water quality. With the implementation of the Environmental Protection Plan, the projects construction impacts to water quality would be less-than-significant.

Operational

The Port of San Francisco administers a Stormwater Management Program (SWMP), developed in accordance with Federal Clean Water Act requirements and the California Statewide General Permit for Stormwater Discharges Associated with Small Municipalities (“Phase II General Permit”). In the SWMP, the Port describes efforts to reduce the discharge of pollutants from the Port’s Municipal Separate Storm Sewer System (MS4) to the maximum extent practicable (MEP) in order to protect water quality³¹. Based on activities that occur along San Francisco waterfront, the pollutants of concern targeted by the SWMP include suspended solids (sediments), litter, heavy metals, and petroleum hydrocarbons. Additionally, the SWMP specify construction and operational practices for existing and newly constructed facilities on Port properties to manage and treat storm water runoff so as to comply with applicable storm water

³¹ MEP is the acronym for Maximum Extent Practicable. The federal Clean Water Act (CWA) provides that National Pollutant Discharge Elimination System (NPDES) permits for Municipal Separate Storm Sewer Systems (MS4) must require municipalities to reduce pollutants in their storm water discharges to the MEP. (CWA §402(p)(3)(B).) MS4 permits “shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods.”

regulations of the San Francisco Regional Water Quality Control Board (RWQCB), as articulated through the San Francisco Stormwater Design Guidelines.

In accordance with the Stormwater Design Guidelines, all new development and redevelopment projects greater than 5,000 square feet are required to develop and submit for approval a Stormwater Control Plan (SCP) which specifies how the project will comply with San Francisco's post-construction stormwater control requirements. In the case of open space development projects such as Brannan Street Wharf, potential pollutants of concern would include litter, dog excrement, pesticides and fertilizers. The pollutants can be addressed through a set of post-construction control measures focused entirely on source controls. Source controls are design techniques or actions that minimize the generation of excessive runoff or pollution of stormwater near its source. The Brannan Street Wharf project will incorporate the following structural and non-structural source control measures into the proposed design:

- **Landscaping and Irrigation Design:** The Brannan Street Wharf project includes 23,000 square feet of landscaped area. All landscape improvements at the project site will be developed and maintained using Integrated Pest Management (IPM) methods. Landscaping IPM is a sustainable approach to managing pests by combining biological, cultural, physical and chemical tools in a way that minimizes economic, health, and environmental risks. In the case of Brannan Street Wharf, landscape plans will be developed that focus on the use of native or Mediterranean plants suited to San Francisco's climate. IPM principles will help reduce or eliminate the use of pesticides and fertilizer, thereby reducing the risk that stormwater runoff will mobilize these pollutants and carry them to the Bay.
- **Sidewalk and Plaza Cleaning:** The sidewalk and promenade area shall be dry swept daily and pressure washed quarterly or more frequently as needed. Pressure wash runoff will be directed to catch basins discharging to the City's combined sewer system. In cases where runoff from sidewalk and plaza cleaning cannot be directed to the combined sewer system, runoff will be filtered through wattle or similar materials before discharging to the Bay. No detergents will be used during pressure washing.
- **Alternative Building Materials:** Alternative building materials reduce potential sources of pollution in stormwater runoff by eliminating compounds that can leach into runoff. The

Brannan Street Wharf will make use of such materials and will specifically avoid the use of pressure treated wood and anodized metal products for construction.

- **Storm Drain Inlets and Waterways:** On-site storm drains will be clearly marked using thermoplastic stencils with the message “No Dumping, Flows to Bay”.
- **Refuse Areas:** The Brannan Street Wharf will include a number of trash receptacles and “no littering” signs.

The Port Engineering Division will ensure that all of the structural and non-structural controls described above will be incorporated into the project through review and approval of a Stormwater Control Plan. The Stormwater Control Plan will include provisions for ongoing operations and maintenance of Brannan Street Wharf. With the implementation of the Stormwater Control Plan, the projects operational impacts to water quality would be less-than-significant. During operations and construction, the proposed project would be required to comply with all water quality requirements. Therefore, the proposed project would not substantially degrade water quality and this topic will not be discussed in the EIR.

B) GROUNDWATER RESOURCES

During site analysis, groundwater was encountered behind the seawall from about 7 to 9 feet deep at the time of the drilling. Groundwater experiences tidal influence from the adjacent San Francisco Bay and will fluctuate relative to daily high and low tide levels. Any groundwater that is encountered during construction of the proposed project is subject to the requirements of the City’s Industrial Waste Ordinance (Ordinance Number 199 77), requiring that groundwater meet specified water quality standards before it is discharged into the sewer system. Therefore, groundwater resources would not substantially be degraded or depleted, or alter surface flow conditions.

Additionally, the proposed project would result in minimal exposure of soil during construction, and there would be low potential for erosion or siltation resulting from the proposed project. Therefore, the proposed project would not substantially degrade groundwater resources.

C – E) DRAINAGE

The proposed project would not change the amount of impervious surface area nor measurably affect current runoff. Site drainage would be redesigned with the proposed project; however, there would not be an expected increase in stormwater flows, and the proposed project would not adversely affect any

existing drainage patterns. Therefore, runoff and drainage would be adversely affected and this topic will not be discussed further in the EIR.

G – I) FLOOD HAZARD

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The proposed project falls within an area in the City prone to flooding during storms, especially where ground stories are located below an elevation of 0.0 City Datum or, more importantly, below the hydraulic grade line or water level of the sewer.

The City has implemented a review process to avoid flooding problems caused by the relative elevation of the structure to the hydraulic grade line in the sewers. Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (Building Inspection), or for major alterations or enlargements are referred to the SFPUC for a determination of whether the project would result in ground-level flooding during storms. The side sewer connection permits for these projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Redevelopment Agency. The SFPUC and/or its delegate (SFDPW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The SFPUC will receive and return the application within a two-week period from date of receipt. The permit applicant shall refer to SFPUC requirements for information required for the review of projects in flood-prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters. The proposed Brannan Street Wharf project would be an open space park, and would connect to the Port's stormwater facilities, which would not be required to be reviewed by the SFPUC. Therefore, the project would result in less-than-significant impact on wastewater systems.

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 (Amry Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the

first time. FIRMs identify areas that are subject to inundation during a flood having a 1 percent chance of occurrence in a given year (also known as a “base flood” or “100-year flood”). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area (SFHA).

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

FEMA has tentatively identified SFHAs along the City’s shoreline in and along the San Francisco Bay consisting of Zone A (in areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards).³² On June 10, 2008, legislation was introduced at the Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City’s participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction’s eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the Department of Public Works will publish flood maps for the City, and applicable City departments and agencies may begin implementation for new construction and substantial improvements in areas shown on the Interim Floodplain Map.

³² City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed July 31, 2008

Additionally, the Port of San Francisco Building Code established design parameters associated with 100 year base flood for various offshore points along the Port of San Francisco waterfront. The Building Code has also determined the 100 year base flood data for properties under the jurisdiction of the Port of San Francisco. The Pier 36, 100 year base flood elevation is 11.73 Mean Lower Low Water (MLLW). According to the preliminary map, the project site is located within a flood zone designated on the City's interim floodplain map and the Port of San Francisco Building Code. The project would construct a 57,000 square-foot open space project, which would not place housing within a 100-year flood zone, nor include any structures that would impede or redirect flood flows. Therefore, the project would result in less than significant impacts related to placement of the proposed open space within a 100-year flood zone.

Sea Level Rise

Rising sea level has become an issue of growing concern, particularly as it affects improvement projects along the waterfront and nearby low-lying inland areas. Over the past 10 to 15 years increases in emissions of carbon dioxide and other greenhouse gases have come under increasing scientific and policy analysis, as a key factor in the rise of global temperature, referred to as climate change (see discussion under Topic 7, Air Quality).

Globally, sea level has been rising for the past 10,000 years as the result of the end of the last glacial epoch.³³ The global rate of sea level rise had been relatively consistent over the last 5,000 years, at approximately 0.0039 feet/year.³⁴ However, the current average rate of sea level rise for the San Francisco Bay area is 0.0066 feet/year at the San Francisco tide station.³⁵ The difference between the rate of sea level rise measured in the Bay Area and the rate of global sea level rise can be accounted for by local changes in ground surface elevation, such as tectonic uplift or subsidence. The rate of relative sea level change is variable even on a local scale.³⁶

³³ Gornitz, V., January 2007, *Sea Level Rise, After the Ice Melted and Today*. Goddard Institute for Space Studies Science Briefs, website: http://www.giss.nasa.gov/research/briefs/gornitz_09/, accessed September 18, 2009.

³⁴ San Francisco Bay Conservation and Development Commission (BCDC), October 1988, op. cit.

³⁵ National Oceanic and Atmospheric Administration (NOAA), NOAA Tides and Currents. *Mean Sea Level Trend 9414290 San Francisco, California 1887-2006*, website: http://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=9414290, accessed September 18, 2009.

³⁶ Moffatt and Nichol, Engineers, December 1988, *Sea Level Rise: Predictions and Implications for San Francisco Bay*, prepared for the San Francisco Bay Conservation and Development Commission, December 1987, revised October 1988.

There is also evidence that sea level rise is accelerating. The primary processes affecting sea level rise are ocean warming (thermal expansion), continental ice melt, and land elevation changes.^{37,38,39} Significant uncertainty exists regarding the rates of global warming and sea level rise and model results. Efforts are ongoing to improve our understanding of the scope and extent of these changes in order to define response options.

State and federal regulatory agencies review a range of possible scenarios when evaluating the potential risks and costs of sea level rise for future development projects. For planning purposes, the Army Corps evaluates three scenarios of sea level rise; low risk, assuming the current rate of sea level rise, or 19.7 inches (0.5 meter) by 2100; moderate risk, assuming a sea level rise of 39.4 inches (1.0 meter) by 2100; and, high risk, assuming a sea level rise of 59.0 inches (1.5 meters) by 2100.⁴⁰ California Executive Order S-13-08 (November 14, 2008) states that all state agencies planning construction projects in areas vulnerable to future sea level rise shall consider a range of sea level rise scenarios for the years 2050 and 2100 to assess project vulnerability, and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. This Executive Order also directs the California Resources Agency, in cooperation with the Department of Water Resources and the California Energy Commission, to prepare a Sea Level Rise Assessment Report by December 1, 2010 to advise how California should plan for future sea level rise. The Governor of California's Delta Vision Blue Ribbon Task Force has adopted a sea level rise of 55 inches by 2100 for planning purposes, until issuance of an Executive Order determining otherwise.⁴¹ The San Francisco Bay Conservation and Development Commission (BCDC) has prepared maps for areas inundated by 16 inches of sea level rise by 2050 and 55 inches of sea level rise by 2100.⁴² Therefore, extrapolating BCDC projections to the 2075 mid-point, sea level rise would be about 36 inches (3 feet), although some studies have concluded this rise would not occur until after the year 2100.⁴³

³⁷ US EPA, No date. *Coastal Zones and Sea Level Rise*, website: <http://www.epa.gov/climatechange/effects/coastal>. Accessed September 8, 2009.

³⁸ Cayan, D., P. Bromirski, K. Hayhoe, M. Tyree, M. Dettinger, and R. Flick. March 2006, White Paper: Projecting Future Sea Level, A Report from: California Climate Change Center CEC-500-2005-202-SF p. 12-13.

³⁹ US Army Corps of Engineers, July 1, 2009. Water Resource Policies and Authorities Incorporating Sea-Level Change Considerations in Civil Works Programs. Circular No. 1165-2-211, p. B-1 to B-13.

⁴⁰ US Army Corps of Engineers, July 1, 2009. Water Resource Policies and Authorities Incorporating Sea-Level Change Considerations in Civil Works Programs. Circular No. 1165-2-211, p. B-1 to B-13.

⁴¹ Delta Vision Blue Ribbon Task Force, State of California Resources Agency, March 24, 2008, *Letter to Governor Schwarzenegger*, Agenda Item 2, Attachment 1.

⁴² San Francisco Bay Conservation and Development Commission (BCDC), April 7, 2009, *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline*, Draft Staff Report.

⁴³ Port of San Francisco, *Calculation of Potential Sea Level Rise Scenarios for the Brannan Street Wharf*, prepared September, 2009, op. cit.

Sea level rise presents an important issue in the planning of development and hazard analysis in coastal areas.⁴⁴ Within the Project site, this includes the potential for increased risk of flooding because of higher sea surface levels. A determination or conservative estimate of the potential magnitude of future sea level rise is needed to assess potential impacts related to sea level rise.

Although FEMA has not formally defined the Base Flood Elevations for the Project site, the Port of San Francisco⁴⁵ has evaluated extreme high tide water level elevations for the Brannan Street Wharf using BCDC projected sea level rise. The Port estimates that the bottom of the wharf deck for the Brannan Street Wharf, which would be constructed at a level of +9.5 to 11.5 feet Mean Low Low Water (MLLW), could be susceptible to flooding associated with the 100-year extreme high tide event, which is currently 11.73 feet. However, as sea level rises, coastal flood hazards associated with storm-related flooding, extreme high tides, and/or tsunamis adjacent to or affecting the Brannan Street Wharf would increase. Assuming a 16-inch rise in sea level by 2050, the future base flood (100-year event) elevation would be +13.06 feet MLLW (an increase in 1.33 feet).⁴⁶ Additionally, assuming a 55-inch rise in sea level by 2100, the future base flood (100-year event) elevation would be +16.31 ft feet MLLW (an increase in 4.58 feet).⁴⁷ Projected inundation zones at the top of the railing curb for the Brannan Street Wharf for the future Base Flood Elevation, given a 16-inch increase in sea level, would be -0.06 to 1.94 ft MLLW, and by 2100, given a 55-inch increase in sea level, the projected inundation zones would be -3.31 to -1.31 ft MLLW.

The Port has incorporated adjustments in the Brannan Street Wharf project design to respond to the current understanding about sea level rise, based on the planning scenarios presented in the BCDC report. The park design was originally designed at an elevation above the 100-year base flood elevation. The park design must maintain the elevation alongside the western edge that connects with the existing Embarcadero Promenade. However, in response to sea level rise, the design has been adjusted to incorporate a two foot grade change, so that the eastern side of the park over the water is two feet higher in elevation than the western edge. In addition, the eastern edge of the park decking would incorporate a one-foot high “toe kick” base to provide an extra buffer against Bay water which could flow onto the park during strong storms in high tide conditions. Under BCDC’s 2050 sea level rise scenario, flooding of

⁴⁴ California Natural Resources Agency, 2009, *2009 California Climate Adaptation Strategy Discussion Draft: A Report to the Governor of the State of California in Response to Executive Order S-13-2008*. p. 4-10.

⁴⁵ Port of San Francisco, 2009, op. cit.

⁴⁶ Ibid.

⁴⁷ Ibid.

Brannan Street Wharf would be infrequent; and there would be a less than one percent chance of flooding. The lawn area within the park, which would be planted in an 18-inch high platform, would not be flooded by 2050. However, under BCDC's planning scenario 2100, the Brannan Street Wharf would experience regular flooding during combined high tide and storm wave action events. Under normal tidal conditions, the park would not be flooded. Therefore, with the potential for sea-level rise to impact the Brannan Street Wharf, the frequency of flooding will increase from the 100-year extreme high tide event to regular flooding under combined high tide and storm wave action; however, normal tidal action will not result in flooding. Regardless of sea level rise scenario, use of waterfront parks during heavy storms, especially during high tides, is low or non-existent, based on observed current conditions. Measures are available if necessary to prohibit public use during these or other dangerous conditions. Additionally, the proposed project would not placing housing within the 100-year flood area, or within an area subject to potential sea level rise during normal tidal actions. Due to the fact that the proposed project would be an open space park, the project would result in less than significant impacts associated with placing housing in a 100-year flood zone.

J) SEICHE, TSUNAMI, MUDFLOW

The proposed project is located within the San Francisco 20-foot Tsunami Runup Map. Tsunamis are long period waves usually caused by underwater seismic disturbances, volcanic eruptions, or submerged landslides. According to the geotechnical report⁴⁸ for the Brannan Street Wharf project, a wave runup of 20 feet at the Golden Gate Bridge, may result in a runup at the site of 12 feet (60 percent of that at the Golden Gate Bridge). Depending on the tide, the site will experience flooding during a tsunami of this magnitude. However, the proposed project would be an open space park, which would not expose a significant amount of people to the risk of loss, injury or death involving inundation by tsunami mudflow. A seiche is an oscillation of a water body, such as a bay, which may cause local flooding. A seiche could occur on the San Francisco Bay due to seismic or atmospheric activity. However, based on the historical record, seiches are rare and there is no significant seiche hazard at the site. There is no mudslide hazard at the project site. Thus, there would be no project-related significant impact from seiche, tsunami or mudflow hazard.

⁴⁸ Winzler & Kelley, Geotechnical Data Report, Brannan Street Wharf, San Francisco, CA, July 2009. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.0418E.

CUMULATIVE HYDROLOGY IMPACTS

The proposed project and the Port Prop Open Space Improvements project would not have a significant impact on water quality standards, groundwater, drainage, or runoff, and thus, would not contribute considerably to cumulative impacts in these areas. Similarly, the project would not reduce impervious surfaces and therefore would not contribute considerably to any potential cumulative stormwater impacts. Flood and inundation hazards are site-specific; thus, the proposed project would have no cumulatively considerable impacts. Thus, the project would not contribute to any cumulatively considerable impacts on hydrology or water quality and this topic will not be addressed in the DEIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|--------------------------|-------------------------------------|
| 15. HAZARDS AND HAZARDOUS MATERIALS— | | | | | |
| Would the project: | | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|--------------------------|---------------------------|
| h) Expose people or structures to a significant risk of loss, injury or death involving fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

A - C) HAZARDOUS MATERIALS

The proposed project would result in the use of relatively small quantities of hazardous materials for routine purposes. The open space would likely handle common types of hazardous materials, such as cleaners and disinfectants. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards related to hazardous materials. Additionally, the proposed project is not located within one-quarter mile of a school.

Demolition and removal of the existing pile-supported structure at Pier 36 and the marginal wharf would generate non-hazardous demolition debris, such as wood, asphalt and concrete, and potentially hazardous waste such as creosote-treated wood. The City and County of San Francisco Construction Debris Recycling Ordinance⁴⁹ requires recovery, segregation and recycling of non-hazardous demolition debris to the maximum extent feasible. Management and disposal of creosote-treated wood waste is regulated by State regulations for hazardous waste (22 CCR, Div. 4.5, Ch. 34).

Repair of the existing seawall may involve disturbance of soil. Disturbance (including excavation, grading and disposal) of soil within portions of the city, including the Brannan Street Wharf project area is regulated by Article 22A of the San Francisco Health Code, as well as applicable State hazardous waste regulations with respect to soil disposal. Article 22A requires that construction projects that are located bayward of the historic high tide line and disturb (through excavation and/or grading) more than 50 cubic yards of soil must include soil testing for presence of potentially hazardous constituents, and

⁴⁹ City and County of San Francisco Construction and Demolition Debris Recovery Program Ordinance No. 27-06. This ordinance can be located at <http://www.sfenvironment.org/downloads/library/canddinformation.pdf>.

development of plans to protect worker and public health and safety during construction and ensure appropriate soil management measures based on the finding of the soil characterization. Where soil to be disturbed by construction is found to contain hazardous constituents at concentrations of potential concern, compliance with Article 22A typically includes submittal of a Health and Safety Plan and/or Soil Management Plan to the Department of Public Health. The Soil Management Plan would include many of the same measures that are required by the dust control plan, and would be part of the construction contractors' Environmental Protection Plan (EPP) submittal to the Port.

HAZARDOUS BUILDING MATERIALS

The Port has completed a preliminary survey of hazardous building materials at Pier 36, which found asbestos-containing materials (ACM), lead-based paint (LBP), PCB-containing and mercury-containing light fixtures throughout the building.⁵⁰ The proposed demolition would disturb hazardous building materials and creosote-treated wood, all of which are subject to existing regulatory programs to ensure protection of worker and public health and the environment.

Asbestos

Asbestos-containing materials may be found within the existing structures on site, which are proposed to be demolished as part of the project. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The 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 asbestos abatement work. The notification must include: (1) the names and addresses of the operations; (2) the names and addresses of persons responsible; and (3) the location and description of the structure to be demolished/altered, including size, age, and prior use, and the approximate amount of friable asbestos; (4) scheduled starting and completion dates of demolition or asbestos abatement work; (5) nature of the planned work and methods to be employed; (6) procedures to be employed to meet BAAQMD requirements; (7) 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 about which a complaint has been received. Any ACBM disturbance at the project site would

⁵⁰ Winzler & Kelly, "Hazardous Materials Survey, Brannan Street Wharf Project", Pier 36. September 2009.

be subject to the requirements of BAAQMD Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.

The local office of the State Occupational Safety and Health Administration must also 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 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 that details the hauling of the material from the site and the disposal of it. Pursuant to California Law, the Port of San Francisco Building Department would not issue the required permit until the applicant has complied with the notice requirements described above.

Lead-Based Paint

Lead paint may be found in buildings constructed circa 1909 and proposed for demolition. Demolition must be conducted in compliance with Section 3423 of the *San Francisco Building Code (Building Code)*, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building, or the interior of occupied buildings (E3, R1, or R3 occupancy classifications) built prior to or on December 31, 1978, Section 3423 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Section 3423 applies to buildings or steel structures on which original construction was completed prior to 1979, which are assumed to have lead-based paint on their surfaces unless a certified lead inspector/assessor tests surfaces for lead and determines it is not present according to the definitions of Section 3423. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in HUD Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person

performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The Ordinance also includes notification requirements, contents of notice, and requirements for project site signs. Prior to commencement of exterior work that disturbs or removes 100 or more square feet or 100 or more linear feet of lead-based paint in total, the responsible party must provide the Director of the DBI with written notice that describes the address and location of the proposed project; the scope and specific location of the work; whether the responsible party has reason to know or presume that lead-based paint is present; the methods and tools for paint disturbance and/or removal; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential; whether it is owner-occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. Further notice requirements include: a Post Sign notifying the public of restricted access to work area, a Notice to Residential Occupants, Availability of Pamphlet related to protection from lead in the home, and Early Commencement of Work (by Owner, Requested by Tenant), and Notice of Lead Contaminated Dust or Soil, if applicable. The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures, already established as part of the building permit review process, would ensure that potential impacts of the proposed project due to the presence of lead-based paint would be reduced to a less-than-significant level.

Other Potential Hazardous Building Materials

In addition to asbestos-containing building materials and lead-based paint, the existing buildings on the site may contain other potentially hazardous building materials such as polychlorinated biphenyl (PCB), contained primarily in exterior paint, sealants, electrical equipment, and fluorescent light fixtures. Fluorescent light bulbs are also regulated (for their disposal) due to their mercury content. Inadvertent release of such materials during demolition could expose construction workers, occupants, or visitors to these substances and could result in various adverse health effects if exposure were of sufficient quantity. Although abatement or notification programs described above for asbestos and lead-based paint have not been adopted for PCB, mercury, other lead-containing materials, or other possible hazardous materials,

items containing these substances that are intended for disposal must be managed as hazardous waste and handled in accordance with Occupational Safety and Health Administration (OSHA) worker protection requirements. Potential impacts associated with encountering hazardous building materials such as PCB, mercury, and lead would be considered a potentially significant impact. Hazardous building materials sampling and abatement pursuant to existing regulations prior to renovation work, as described in **Mitigation Measure M-HZ-1**, below, would reduce potential impacts associated with PCB, mercury, lead, and other toxic building substances in structures to a less-than-significant level. With **Mitigation Measure M-HZ-1** implemented, the proposed demolition of the Pier 36 warehouse building and Pier 36 would not have the potential to pose a direct (through material removal, if required) or indirect (through transport of materials or accidental release) public health hazard to the surrounding neighborhood. Compliance with existing regulatory requirements, permits, and Port contract requirements would ensure that the proposed open space improvement projects do not result in significant effects due to hazardous materials or wastes. Therefore, there would be less-than-significant impacts related to hazardous materials use and this topic will not be discussed in the EIR.

B) HAZARDOUS MATERIALS SITES LIST

Currently the project site is occupied by the existing Pier 36, marginal wharf, and waters of the San Francisco Bay. The project site does not appear on the State of California Hazardous Waste and Substances Sites List or other hazardous materials sites in San Francisco. Therefore, there are no potential hazards that would result from current or past uses on the site.

E – F) AIRPORT HAZARDS

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip; therefore, hazards associated with airport or private airstrips would not apply to the proposed project.

G AND H) FIRE SAFETY AND EMERGENCY ACCESS

San Francisco ensures fire safety and emergency accessibility within new and existing developments through provisions of its Building and Fire Codes. Potential fire hazards (including those associated with hydrant water pressure and blocking of emergency access points) would be addressed during the

permit review process. Conformance with these standards would ensure appropriate life safety protections. Consequently, the project would not have a significant impact on fire hazards nor interfere with emergency access plans.

MITIGATION MEASURE M-HZ-1

Hazards (PCB's and Mercury)

The project sponsor would ensure that building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, and fluorescent lights are performed prior to the start of renovation. Any hazardous materials so discovered would be abated according to federal, state, and local laws and regulations.

CUMULATIVE HAZARDS IMPACTS

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. Overall, the project would not contribute to cumulatively considerable significant effects related to hazards and hazardous materials and this topic will not be discussed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|-------------------------------------|--------------------------|
| 16. MINERAL AND ENERGY RESOURCES— Would the project: | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

A – B) MINERAL RESOURCES

All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the CDMG under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is not adequate information available for assignment to any other MRZ and thus the site is not a designated area of significant mineral deposits. There are no operational mineral resource recovery sites in the project vicinity whose operations or accessibility would be affected by the construction or operation of the project. Therefore, the project would not result in the loss of availability of a locally- or regionally-important mineral resource. The project would not have a significant impact on mineral resources.

C) ENERGY RESOURCES

The proposed project would be a passive open space park, and would not have a substantial effect on the use, extraction, or depletion of a natural resource. The proposed project would only require electricity for lighting during the evening hours, and would not generate a significant demand for energy or the major expansion of power facilities. For this reason, the project would not cause a wasteful use of energy and would not have a significant effect on natural resources. The proposed project would not use substantial quantities of other non-renewable natural resources, or use fuel or water in an atypical or wasteful manner.

The proposed project would therefore not have a significant project-specific or cumulative effect on mineral or energy resources, and these topics will not be further discussed in the EIR.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|---|---|--------------------------|-------------------------------------|
| 17. AGRICULTURE RESOURCES | | | | | |
| In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|---|---|---|---|--------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

A – C) AGRICULTURAL RESOURCES

The project site is located along on the San Francisco Bay shoreline and surrounded by an urbanized area of San Francisco. The California Department of Conservation’s Farmland Mapping and Monitoring Program identify the site as “Urban and Built-up Land” (Department of Conservation, 2002). Because the site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson Act contract, nor would it involve any changes to the environment that could result in the conversion of farmland. The EIR will therefore, not include a discussion relating to agriculture resources.

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|--|---|--------------------------|---------------------------|
| 18. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project: | | | | | |
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| <i>Topics:</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Not Applicable</i> |
|--|---|--|---|--------------------------|---------------------------|
| c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The proposed project would incorporate M- NO -1 and M-HZ-1 into the proposed project to address potential construction-related pile driving impacts from noise and hazardous materials. Implementation of this measure would reduce these potential impacts of the proposed project to a less-than-significant level. The proposed project could have a significant effect on cultural resources and biological resources. The potential cultural resources and biological resources impacts will be analyzed in the EIR.

G. ALTERNATIVES

Alternatives to the proposed project would be defined further and described in the EIR. At a minimum, the alternatives analyzed would include the following:

1. A **No Project Alternative** in which the project site would remain in its existing condition with the existing Pier 36.
2. A **Preservation Alternative** in which the existing pier on the site would be rehabilitated to the Secretary of Interior's standards, and put to a compatible use.
3. A **Partial Preservation Alternative** in which the existing Pier 36 would be retained and a smaller park would be constructed adjacent to it.

H. DETERMINATION

On the basis of this initial study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.


2. A *Preservation Alternative* in which the existing pier on the site would be rehabilitated to the Secretary of Interior's standards, and put to a compatible use.
3. A *Partial Preservation Alternative* in which the existing Pier 36 would be retained and a smaller park would be constructed adjacent to it.

H. DETERMINATION

On the basis of this initial study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

DATE

December 17, 2009 

Bill Wycko
Environmental Review Officer
for
John Rahaim
Director of Planning

I. LIST OF PREPARERS

NOP / Initial Study Authors

Planning Department, City and County of San Francisco
Major Environmental Analysis
1650 Mission Street, Suite 500
San Francisco, CA 94103

Environmental Review Officer: Bill Wycko

Environmental Planner: Chelsea Fordham

Supervising Planner: Nannie Turrell

Environmental Consultants

URS (Air Quality)

221 Main Street, Suite 600
San Francisco, CA 94105-1917

Project Sponsors

Port of San Francisco

Pier 1

San Francisco, CA, 94111

Steven Reel: Port Engineering/Construction Project Manager

Dan Hodapp: Senior Planner

Diane Oshima: Waterfront Planning Assistant Deputy Director