SAN FRANCISCO
PLANNING DEPARTMENT

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.:	**2008.1395E**
Project Title:	**1501 15th Street**
Zoning:	Urban Mixed Use (UMU) District 58-X Height and Bulk District
Block/Lot:	3553/054
Lot Size:	14,125 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	David Silverman, Reuben and Junius, (415) 567-9000
Staff Contact:	Don Lewis – (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The project site is located on the southwest corner of South Van Ness Avenue and 15th Street in the Mission neighborhood. The proposed project would replace a vacant lot (formerly a gas station) with a 58-foot-tall, five-story, 66,043-square-foot, mixed-use building consisting of 40 residential units (16 one-bedroom, 24 two-bedroom) and approximately 9,681 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on 15th Street. The project would require excavation of up to 14 feet below the existing grade. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space. In 2006, three 10,000-gallon underground storage tanks were removed from the project site and the Department of Public Health subsequently issued a closure letter for the former gas station.

EXEMPT STATUS:

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

REMARKS:

(See next page.)

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

BILL WYCKO
Environmental Review Officer

January 27, 2011
Date

cc: David Silverman, Project Contact
Kimberley Durandet, Neighborhood Planning Division
Virna Byrd, M.D.F.
Supervisor David Campos, District 9
Exemption/Exclusion File

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR; and d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects peculiar to the 1501 15th Street mixed-use project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods Final EIR) (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific studies summarized in this determination were prepared for the proposed project at 1501 15th Street to determine if there would be significant impacts attributable to the proposed project. These studies examined the project's potential environmental effects on noise, air quality, shadow, geology, and hazardous materials.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR. This determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods Final EIR. This determination also identifies mitigation measures contained in the Eastern Neighborhoods Final EIR that would be applicable to the proposed project at 1501 15th Street. Relevant information pertaining to prior environmental review conducted for the Eastern Neighborhoods is included below, as well as an evaluation of potential environmental effects.

Background

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Final EIR was adopted in December 2008. The Eastern Neighborhoods Final EIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods Final EIR also included changes to existing height and bulk districts in some areas, including the project site at 1501 15th Street.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final

EIR by Motion 17659[1] and adopted the Preferred Project for final recommendation to the Board of Supervisors.[2]

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods Final EIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the Final EIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods Final EIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

The project site, as a result of the Eastern Neighborhoods, has been rezoned to Urban Mixed Use (UMU) to encourage transitional development patterns between business and employment districts and predominantly residential neighborhoods, thereby buffering potentially incompatible land uses. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in this determination on page 4, under Land Use. The 1501 15th Street site, which is located in the Mission Area of the Eastern Neighborhoods, was designated and envisioned as a site with a building up to 58 feet in height and containing both residential and commercial uses.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed mixed-use project at 1501 15th Street is consistent with and was encompassed within the

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[1] *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: http://www.sfgov.org/site/planning_index.asp?id=67762.

[2] San Francisco Planning Commission Motion 17659, August 7, 2008. http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf

analysis in the Eastern Neighborhoods Final EIR. Further, this determination finds that the Eastern Neighborhoods Final EIR adequately anticipated and described the impacts of the proposed 1501 15th Street project, and identified the mitigation measures applicable to the 1501 15th Street project. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation for the 1501 15th Street project is necessary.

Potential Environmental Effects

The Eastern Neighborhoods Final EIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods project. The proposed 1501 15th Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods Final EIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods Final EIR considered the incremental impacts of the proposed 1501 15th Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods Final EIR. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certification of Determination while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.[3] The following discussion demonstrates that the 1501 15th Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods Final EIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, air quality, greenhouse gases, and hazardous materials.

Land Use

The Eastern Neighborhoods Rezoning and Area Plans re-zoned much of the city's industrially-zoned land in the Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill neighborhoods. The four main goals that guided the Eastern Neighborhood planning process were to reflect local values, increase housing, maintain some industrial land supply, and to improve the quality of all existing areas with future development. The re-zoning applied new residential and mixed-used zoning districts to parts of the Eastern Neighborhoods currently zoned for industrial, warehousing, and commercial service use.

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options the subject property was designated Urban Mixed Use (UMU) to encourage transitional development patterns between business and employment districts and predominantly residential neighborhoods, thereby buffering potentially incompatible land uses.

The proposed project would replace an existing vacant lot (formerly a gas station) with a 58-foot-tall building constructed to the Van Ness Avenue and 15th Street property lines. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted with the UMU zoning controls of the site analyzed in the Eastern Neighborhoods Final EIR. Further, the project is proposed on

[3] San Francisco Planning Department, Community Plan Exemption Checklist, 1501 15th Street, January 21, 2011. This document is on file and is available for review as part of Case File No. 2008.1395E at 1650 Mission Street, Suite 400, San Francisco, CA.

an in-fill site, and would not substantially impact upon the existing character of the vicinity and would not physically divide an established community.

The Eastern Neighborhoods identified an unavoidable significant land use impact due to the cumulative loss of PDR under Option C. Option C, which would result in less PDR-only land than Options A or B and would rezone more existing PDR land and displace more existing PDR uses than the other two options, would result in a clear mismatch between the supply of and demand for PDR land and building space, with neither adequate land nor adequate building space available with substantial changes in land use controls on Port land. The analysis also determined that a No-Project scenario would result in an unavoidable significant impact on the cumulative supply of land for PDR uses. Since there is no PDR at the project site, the 1501 15th Street project would not contribute to this impact because there would be no loss of PDR.

In addition, Citywide Planning and Neighborhood Planning have determined that the proposed project is consistent with the Eastern Neighborhoods Final EIR and satisfies the requirements of the General Plan and the Planning Code. Therefore, the project is eligible for a Community Plan exemption.[4,5]

Archeological Resources

Potential archeological impacts were identified in the Eastern Neighborhoods Rezoning and Area Plans Final EIR. Mitigation Measure J-3: Mission Dolores Archeological District applies to any project within the Mission Dolores Archeological District involving installation of foundations; construction of a sub-grade or partial sub-grade structure including a garage, or basement; grading; soils remediation; installation of utilities; or any other activities resulting in soils disturbance of 2.5 feet or greater below existing grade. The project site is located within the Mission Dolores Archeological District and the 1501 15th Street project would require excavation of up to 14 feet below grade for the underground parking garage level. Therefore, Eastern Neighborhoods Mitigation Measure J-3 (see Project Mitigation Measure 1 on page 27 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact from soils-disturbing activities on buried archeological resources to a less-than-significant level.

Historic Architectural Resources

The project site does not contain any historic resources and is not located in a known historic district. It is not anticipated that the project would result in any adverse effects on offsite historical architectural resources. Eastern Neighborhoods Final EIR Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area requires that projects involving new construction or alteration over 55 feet, or 10 feet taller than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. Since the project involves construction that is 58 feet in height and is 10 feet taller than the adjacent property at 1523-1531 15th Street, which was constructed in 1908, Mitigation Measure K-1 (see Project

[4] David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 1501 15th Street, December 16, 2009. This document is on file and available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[5] Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 1501 15th Street, December 16, 2009. This document is on file and available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Mitigation Measure 2 on page 30 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, the Department presented the proposed project to the HPC on January 6, 2010. The HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15th Street.

Transportation

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.[6] The proposed project would generate about 1,812 person trips (inbound and outbound) on a weekday daily basis, consisting of 1,072 person trips by auto, 286 transit trips, 413 walk trips and 41 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 68 vehicle trips (accounting for vehicle occupancy data for this Census Tract). A majority of these p.m. peak hour vehicle trips (45) are related to the proposed retail portion of the project. Due to the project's location near major transit routes, this is likely a conservative estimate of vehicle trips.

The estimated 68 new p.m. peak hour vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. Available intersection LOS data from nearby intersections indicates that South Van Ness Avenue/16th Street intersection currently operates at LOS B during the weekday p.m. peak hour; that Mission Street/16th Street intersection operates at LOS C; and Valencia Street/15th Street at LOS B during the weekday p.m. peak hour.[7] Given that the proposed project would add approximately 68 new p.m. peak hour vehicle trips to surrounding intersections, it is not anticipated to substantially increase traffic volumes at these or other nearby intersections, nor substantially increase average delay that would cause these intersections to deteriorate to unacceptable levels of service.

The Eastern Neighborhoods Final EIR evaluated three land use options. The proposed project is located in the Mission Subarea of the Eastern Neighborhoods, which included the analysis (existing and 2025 operating conditions) of the above and other intersections in the area based on proposed development plan options of the Eastern Neighborhoods. The South Van Ness/16th Street intersection (one block away) is anticipated to continue to operate at LOS B under 2025 weekday p.m. peak hour conditions under all Plan options; the Mission Street/16th Street intersection (two blocks away) is anticipated to change from LOS C to LOS D under all Plan options; and the Valencia Street/15th Street intersection would change from LOS B to LOS C under all Plan options.

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[6] Don Lewis, San Francisco Planning Department, *Transportation Calculations*, December 2, 2009. These calculations are available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[7] San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, certified January 19, 2009. File No. 2004.0160E.

The nearest Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday p.m. peak hour was at South Van Ness Avenue/Howard Street/13th Street (2 ¼ blocks to the north of the project site) which operated at LOS E under existing (baseline) conditions and would deteriorate to LOS F under 2025 weekday p.m. peak hour operating conditions under Plan Options B and C. The other nearby Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday p.m. peak hour was at Folsom Street/13th Street (3 ½ blocks to the north of the project site) which operated at LOS C under existing (baseline) conditions and would deteriorate to LOS E under 2025 weekday p.m. peak hour operating conditions under Plan Option B. It is likely these conditions would occur with or without the project, and the proposed project's contribution of 68 p.m. peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' projects, should they be approved. Under the Eastern Neighborhoods Final EIR, specific mitigation measures were not proposed for either the South Van Ness Avenue/Howard Street/13th Street intersection or the Folsom Street/13th Street intersection and a Statement of Overriding Considerations related to the significant and unavoidable cumulative (2025) traffic impacts was adopted as part of the EIR Certification and project approval on January 19, 2009. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have any significant cumulative traffic impacts.

Transit

As indicated above, the proposed project is estimated to add 286 daily transit person trips, of which 35 are estimated to occur in the p.m. peak hour. The project site is served by several local and regional transit lines including Muni lines 12, 14, 14L, 22, 27, 33, and 49, and therefore, the additional p.m. peak hour trips would likely be accommodated on existing routes, and would result in a less-than-significant effect to transit services.

The Eastern Neighborhoods Final EIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership due to the change from 2025 No-Project operating conditions for Muni lines 9, 10, 12, 14, 14L, 22, 27, 47, 49 and 67 under all Eastern Neighborhoods rezoning options. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project's contribution of 35 p.m. peak hour transit trips would not be a substantial proportion of the overall transit volume generated by Eastern Neighborhood projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have a significant cumulative transit impact.

Parking

The project site is currently a vacant lot. While the proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Sections 843.09 and 843.10, the project includes 39 subterranean parking spaces. Based on the methodology presented in the 2002 *Transportation Guidelines,* on an average weekday, the demand for parking would be 112 spaces. Thus, the project would have an unmet parking demand of 73 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. However, this report presents a parking analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

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

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by local public transit (Muni lines 12, 14, 14L, 22, 27, 33, and 49) and bike lanes (45, 33, and 40), which provide alternatives to auto travel.

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

Access
Vehicular access to and from the ground-floor parking garage would be on 15th Street. Vehicles would enter the building at grade and park in an assigned parking space. Pedestrian access would be on both South Van Ness Avenue and 15th Street. South Van Ness Avenue is a four-lane, two-way major arterial street with parallel parking on both sides while 15th Street is a two-lane, one-way street extending westerly at the project site. Emergency access to the project site would not be changed by the proposed project. There are no bus stops in front of the project site. Sidewalks and on-street parking are present on both sides of the street. The nearest transit preferential streets are Mission Street and 16th Street. It is anticipated that both garbage pickup and commercial retailing would be located on South Van Ness Avenue.

Loading
Based on the *SF Guidelines*, the proposed project would generate an average loading demand of 0.14 truck-trips per hour. *Planning Code* Section 152.1 does not require off-street loading for residential development less than 100,000 square feet and for retail use less than 10,000 square feet. Therefore, off-street loading spaces are not required for the proposed project, which would include 41,072 square feet of residential use and 9,681 square feet of retail use. The proposed project would avoid the potential for impacts to adjacent roadways due to loading activities by limiting all long-term and construction loading/staging operations to the existing on-street parking area along either South Van Ness Avenue or 15th Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on either South Van Ness Avenue or 15th Street.

Pedestrian and Bicycle Conditions
The proposed project would generate approximately 45 p.m. peak-hour pedestrian trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflict, as there are adequate sidewalk and crosswalk widths. Pedestrian activity would increase as a result of the project, but not to a degree that could not be accommodated on local sidewalks or would result in safety concerns.

There are no existing or proposed bike lanes on or adjacent to the project site, and no new curb cuts are proposed. In the vicinity of the project site, there are three major Citywide Bicycle Routes. Valencia Street comprises a portion of bicycle route #45, Harrison Street a portion of route #33, and 17th Street a portion of route #40. Bicycle traffic is heavier on Valencia Street than on surrounding streets. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle travel in the area.

The recently amended (Board of Supervisors Ordinance No. 129-06) *Planning Code* Section 155.5 requires that residential projects of 50 dwelling units or less provide one bicycle space for every two dwelling units. The proposed project includes 40 dwelling units and thus would be required to provide 20 bicycle parking spaces which would be provided inside the ground-floor parking garage. In conclusion, the proposed project would not substantially increase pedestrian and bicycle hazards.

In summary, the project would not result in a significant effect with regard to transportation.

Noise

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The *San Francisco General Plan* noise guidelines indicate that any new residential development in areas with noise levels above 60 dBA[8] should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels on South Van Ness Avenue are above 70 dBA and are between 60.1 and 65.0 dBA on 15th Street. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects (including hotels, motels, and live/work developments). This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

The Eastern Neighborhoods Final EIR identified a significant impact related to new development including noise-sensitive uses located along streets with noise levels above a day-night average of 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. Since the 1501 15th Street project, a multi-unit residential project with ground-floor commercial use, is subject to Title 24, *Mitigation Measure F-3: Interior Noise Levels* from the Eastern Neighborhoods Final EIR is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes noise-sensitive uses with sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* (see Project Mitigation Measure 3 on page 30 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, Environmental Science

[8] The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

Associates (ESA) were hired by the project sponsor to conduct a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within two blocks of the project site.[9]

The 24-hour noise measurement recorded a day-night noise average of 71.9 dBA (Ldn). This is slightly less noisy than forecast by noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 75 dBA and 79 dBA (Ldn) for the project block of South Van Ness Avenue (and surrounding blocks). ESA's site survey did not identify any land uses that generate unusual noise within two blocks of the project site.

Given the noise environment at the project site, ESA concluded that it would appear that conventional residential construction, which would include double-paned windows (which typically offer 25 to 30 dBA noise reduction), would be sufficient to ensure an interior noise environment in habitable rooms of 45 dBA (Ldn) as required by the San Francisco Building Code. ESA recommends that the project sponsor use windows with a minimum Sound Transmission Class (STC) rating of at least 27, which would ensure an interior noise environment of 45 dBA (Ldn) (72 – 27 = 45). Therefore, ESA's noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing sensitive receptors and new noise-generating uses and determined that *Mitigation Measures F-5: Siting of Noise-Generating Uses* would reduce effects to a less-than-significant level. Since the proposed development does not propose residential and commercial uses that would be expected to generate noise levels in excess of ambient noise in the vicinity of the project site, *Mitigation Measure F-5* is not applicable.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 14 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants

[9] Karl Heisler, Environmental Science Associates, Email, RE: Noise Study for 1501 15th Street, March 18th, 2010. This document is on file and is available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

The Eastern Neighborhoods identified a significant impact related to construction noise that would include pile driving and determined that *Mitigation Measure F-1: Construction Noise* would reduce effects to a less-than-significant level. Since construction of the proposed project does not require pile driving, *Mitigation Measure F-1* is not applicable to the proposed project.

Air Quality

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Eastern Neighborhoods Final EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure G-1: Construction Air Quality* would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be less than significant. Since the project is required to comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction air quality and *Mitigation Measure G-1* is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to air quality for sensitive land uses and determined that *Mitigation Measure G-2: Air Quality for Sensitive Land Uses* would reduce effects to a less-than-significant level. In response to this concern, Article 38 of the San Francisco Health Code was amended to require that all newly constructed buildings containing ten or more units within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether the PM 2.5[10] concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m3).[11] Sponsors of projects on sites where the PM 2.5 concentration exceeds the 0.2 ug/m3 threshold are required to install ventilation systems or otherwise redesign the project to reduce the PM 2.5 concentration for the habitable areas for the dwelling units to below the threshold. The project site is located within the Potential Roadway Exposure Zone, triggering the application of San Francisco Health Code Article 38. An Air Quality Assessment was completed by the Department of Public Health for the

[10] PM 2.5 is a measure of smaller particles in the air. PM 10 has been the pollutant particulate level standard against which EPA has been measuring Clean Air Act compliance. On the basis of newer scientific findings, the Agency is considering regulations that will make PM 2.5 the new "standard".

[11] See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

project site on September 10, 2009.[12] The results indicate that the maximum average annual exposure would be about 0.05 micrograms per cubic meter. This level is below the action threshold for mitigation recommended in the *Department of Public Health's Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review.* Therefore, the project would have no significant air quality impacts on residents due to roadway emissions, and *Mitigation Measure G-2* does not apply.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit diesel particulate matter (DPM) and determined that *Mitigation Measure G-3: Siting of Uses that Emit DPM* would reduce these effects to a less-than-significant level. As stated in the Eastern Neighborhoods Final EIR, to minimize potential exposure of sensitive receptors to DPM, for new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, the Planning Department shall require that such uses be located no less than 1,000 feet from residential units and other sensitive receptors. Since the proposed project would not be expected to be served by at least 100 trucks per day or 40 refrigerator trucks per day, the 1501 15th Street project would not be expected to expose sensitive receptors to DPM and *Mitigation Measure G-3* is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit toxic air contaminants (TACs) as part of everyday operations and determined that *Mitigation Measure G-4: Siting of Uses that Emit Other TACs* would reduce these effects to a less-than-significant level. Since the proposed project, a mixed-use building with residential units above ground-floor commercial use, would not be expected to generate TACs as part of everyday operations, the 1501 15th Street project would not contribute to this significant impact and *Mitigation Measure G-4* is not applicable.

Greenhouse Gas Emissions

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 GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

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. 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 include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO2E).[13]

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[12] Modeling completed by Patrick Fosdahl of the San Francisco Department of Public Health on September 10, 2009. Modeling results are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Project File No. 2008.1395E.

[13] 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.

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global 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. 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.[14]

The Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO2E (MMTCO2E), or about 535 million U.S. tons.[15] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[16] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36% of the Bay Area's 95.8 MMTCO2E emitted in 2007.[17] Electricity generation accounts for approximately 16% of the Bay Area's GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.[18]

REGULATORY SETTING

In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB 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).

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.[19] The Scoping Plan estimates a reduction of 174 million metric tons of CO2E (MMTCO2E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 1, below. ARB has identified an implementation timeline for the GHG

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[14] California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: http://www.climatechange.ca.gov/publications/faqs.html. Accessed November 8, 2010.

[15] California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf. Accessed March 2, 2010.

[16] Ibid.

[17] Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed March 2, 2010.

[18] Ibid.

[19] California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed March 4, 2010.

reduction strategies in the Scoping Plan.[20] Some measures may 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).

Table 1. GHG Reductions from the AB 32 Scoping Plan Sectors[21]

GHG Reduction Measures By Sector	GHG Reductions (MMT CO_2E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total	**174**
Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste • Commercial Recycling • Composting • Anaerobic Digestion • Extended Producer Responsibility • Environmentally Preferable Purchasing	9
Total	42.8-43.8

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA

[20] California Air Resources Board. AB 32 Scoping Plan. Available Online at: http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf. Accessed March 2, 2010.

[21] Ibid.

review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The 2010 CEQA Air Quality Guidelines provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's amendments to the CEQA Guidelines as well as BAAQMD's 2010 CEQA Air Quality Guidelines and thresholds of significance have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO2, CH4, and N2O.[22] State law defines GHGs 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. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity by replacing a vacant lot with a mixed-use development which would result in additional vehicle trips and an increase in energy use. The development could also result in an increase in overall water usage which generates indirect emissions from the energy required to pump, treat and convey water. The development could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

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[22] Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review.* June 19, 2008. Available at the Office of Planning and Research's website at: http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf. Accessed March 3, 2010.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the 2010 CEQA Air Quality Guidelines. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions to the BAAQMD.23 This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's 2010 CEQA Air Quality Guidelines and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

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

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's Strategies to Address Greenhouse Gas Emissions identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO2E and 2005 GHG emissions are estimated at 7.82 MMTCO2E, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

[23] San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco.* 2010. The final document is available online at: http://www.sfplanning.org/index.aspx?page=1570.

The BAAQMD reviewed San Francisco's Strategies to Address Greenhouse Gas Emissions and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010) and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."[24]

Based on the BAAQMD's 2010 CEQA Air Quality Guidelines, projects that are consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's Strategies to Address Greenhouse Gas Emissions, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 2.

Table 2. Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Transportation Sector			
Commuter Benefits Ordinance (Environment Code, Section 421)	All employers must provide at least one of the following benefit programs: 1. A Pre-Tax Election consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes or vanpool charges, or (2) Employer Paid Benefit whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of the appropriate benefit, or	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	It is anticipated that the proposed project would employ more than 20 persons and therefore must comply with the commuter benefits ordinance.

[24] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: http://www.sfplanning.org/index.aspx?page=1570. Accessed November 12, 2010.

Regulation	Requirements	Project Compliance	Discussion
	(3) Employer Provided Transit furnished by the employer at no cost to the employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer.		
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.	☐ Project Complies ☐ Not Applicable ☒ Project Does Not Comply	Although the proposed project would not participate in the City's emergency ride home program, it does provide commuter benefits in accordance with the Environment Code Section 421.
Transportation Management Programs (Planning Code, Section 163)	Requires new buildings or additions over a specified size (buildings >25,000 sf or 100,000 sf depending on the use and zoning district) within certain zoning districts (including downtown and mixed-use districts in the City's eastern neighborhoods and south of market) to implement a Transportation Management Program and provide on-site transportation management brokerage services for the life of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Planning Code Section 163 applies to the proposed project since the building is 66,043 square feet in size and is located in the Eastern Neighborhoods.
Transit Impact Development Fee (Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with Chapter 38 of the Administrative Code.

Regulation	Requirements	Project Compliance	Discussion
Jobs-Housing Linkage Program (Planning Code Section 413)	The Jobs-Housing Program found that new large scale development attract new employees to the City who require housing. The program is designed to provide housing for those new uses within San Francisco, thereby allowing employees to live close to their place of employment. The program requires a developer to pay a fee or contribute land suitable for housing to a housing developer or pay an in-lieu fee.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 413 of the Planning Code.
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project proposes 40 residential units and would provide 20 bicycles spaces.
Car Sharing Requirements (Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 166 of the Planning Code.
Parking requirements for San Francisco's Mixed-Use zoning districts (Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 151.1 of the Planning Code.
Energy Efficiency Sector			
San Francisco Green Building	Commercial buildings greater than 5,000 sf will be required to be at a	☒ Project Complies	The project proposes approximately 9,681 square feet of commercial space

Regulation	Requirements	Project Compliance	Discussion
Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	minimum 14% more energy efficient than Title 24 energy efficiency requirements. By 2008 large commercial buildings will be required to have their energy systems commissioned, and by 2010, these large buildings will be required to provide enhanced commissioning in compliance with LEED® Energy and Atmosphere Credit 3. Mid-sized commercial buildings will be required to have their systems commissioned by 2009, with enhanced commissioning by 2011.	☐ Not Applicable ☐ Project Does Not Comply	and would be required to comply with all Green Building Requirements for Energy Efficiency.
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with the Green Building Requirements for Energy Efficiency.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater ordinance and stormwater design guidelines.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project will be disturbing more than 5,000 square feet and will therefore be required to comply with the City's Stormwater Management Ordinance.
San Francisco Green Building Requirements for	All new commercial buildings greater than 5,000 square feet are required to reduce the amount of potable water	☒ Project Complies	The project proposes approximately 9,681 square feet of commercial space and would be required to comply with

Regulation	Requirements	Project Compliance	Discussion
water efficient landscaping (SF Building Code, Chapter 13C)	used for landscaping by 50%.	☐ Not Applicable ☐ Project Does Not Comply	all Green Building Requirements.
San Francisco Green Building Requirements for water use reduction (SF Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 sf are required to reduce the amount of potable water used by 20%.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project proposes approximately 9,681 square feet of commercial space and would be required to comply with all Green Building Requirements for water use reduction.
Residential Water Conservation Ordinance (SF Building Code, Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired. Although these requirement apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Residential Water Conservation Ordinance.

Regulation	Requirements	Project Compliance	Discussion
Residential Energy Conservation Ordinance (SF Building Code, Housing Code, Chapter 12)	Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with the Residential Energy Conservation Ordinance.
Waste Reduction Sector			
San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C)	Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Green Building Requirements for solid waste.
Mandatory	The mandatory recycling and	☒ Project	The proposed project would be required

Regulation	Requirements	Project Compliance	Discussion
Recycling and Composting Ordinance (Environment Code, Chapter 19)	composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.	Complies ☐ Not Applicable ☐ Project Does Not Comply	to comply with the Mandatory Recycling and Composting Ordinance.
Environment/Conservation Sector			
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 143 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with Section 428.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: • Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Wood Burning Fireplace Ordinance.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): • All diesel generators to be registered with the Department of Public Health • All new diesel generators must be equipped with the best available air emissions control technology.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with Article 30 of the San Francisco Health Code.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4)

current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's Strategies to Address Greenhouse Gas Emissions meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions.[25]

In addition, the project site is located within the Mission area plan analyzed under the Eastern Neighborhoods Rezoning EIR. The Eastern Neighborhoods Rezoning EIR assessed the GHG emissions that could result from rezoning of the Mission area plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of carbon dioxide equivalents (CO2E)[26] per service population[27], respectively.[28] The Eastern Neighborhoods EIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. The Eastern Neighborhoods EIR adequately addressed greenhouse gas emissions and the resulting emissions were determined to be less than significant. Therefore, the project would not result in any significant impacts related to GHG emissions.

As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

Shadow

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. To determine whether the proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff. This analysis concluded that the proposed project would not have the potential to cast new shadow on any property under the jurisdiction of the Recreation and Park Department.[29] The proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows would not

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[25] Greenhouse Gas Analysis: Compliance Checklist for 1501 15th Street. January 21, 2011. This document is on file in Case No. 2008.1395E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

[26] Greenhouse gas emissions are typically measured in CO_2E, or carbon dioxide equivalents. This common metric allows for the inclusion of the global warming potential of other greenhouse gases. Land use project's, such as this, may also include emissions from methane (CH_4) and nitrous oxide (N_2O), therefore greenhouse gas emissions are typically reported at CO_2E.

[27] SP= Service Population. Service population is the equivalent of total number of residents + employees.

[28] *Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods.* April 20, 2010. Memorandum from Jessica Range, MEA to MEA staff. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods Rezoning EIR and provides an analysis of the emissions using a service population metric.

[29] San Francisco Planning Department, letter dated March 18, 2009 (Case No. 2008.1395K), Shadow Analysis for 1501 15th Street. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2008.1395K.

exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

The proposed building could cast shadow on private residences or property. The loss of sunlight on private residences or property is rarely considered to be a significant impact on the environment under CEQA. Although residents may regard the increase in shadow as undesirable, the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

In light of the above, the project would not result in a significant effect with regard to shadow, nor would the project contribute to any potential cumulative shading impacts.

Hazardous Materials

The project site is a former Shell gasoline station. Environmental investigation and remediation work at the site commenced in July 1989 when a 2,000-gallon underground storage tank (UST) was discovered under the sidewalk north of the site.[30] From September through November 1989, several borings were completed and seven monitoring wells were installed. In August 1990, the 2,000-gallon UST was removed, and soil and groundwater samples were collected from the excavation. In May 1991, a leak in a product piping flex connector was detected and repaired, and an unknown amount of the surrounding soil was reportedly excavated. Groundwater monitoring was conducted at the site from September 1989 to May 1995. In January 1995, the seven monitoring wells were abandoned. In January 1996, the San Francisco Department of Public Health (DPH) granted site closure.[31]

Prior to a potential property transfer in 2004, a subsurface investigation was conducted. The investigation found elevated levels of petroleum hydrocarbons in both soil and groundwater. The case was reopened by DPH and additional investigation was conducted in June 2003. In November 2005, four monitoring wells were installed and groundwater monitoring resumed at the site.

In October 2006, three 10,000-gallon USTs and the associated dispensers were removed from the site by the property owner. Soil and groundwater compliance sampling was conducted by Shell's (the previous owner's) consultant. The primary contaminants of concern are benzene and total petroleum hydrocarbons as gasoline (TPH). These volatile gasoline constituents (especially benzene) have the potential to intrude into indoor air and pose a risk to human health. Secondary contaminants of concern are toluene, ethylbenzene, xylenes, methyl tert-butyl ether (MTBE) and lead. Site contaminants have historically been primarily located between approximately 3 to 7 feet below ground surface, located laterally across the northern portion of the site.

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[30] Pangea Environmental Services, *Interim Remediation Completion Report and Closure Request,* 400 South Van Ness Avenue, San Francisco, September 17, 2007. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA in File No. 2008.1395E.

[31] San Francisco Department of Public Health, *Remedial Action Completion Certification,* Former Shell Service Station, 400 South Van Ness Avenue, San Francisco, December 20, 2007. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1395E.

According to the September 2007 Interim Remediation Completion and Closure Report prepared by Pangea Environmental Services,[32] subsurface testing revealed that the project site satisfies Regional Water Quality Control Board criteria for a low-risk fuel site. The former fueling system has been removed and interim remedial action has improved site conditions. The site has been adequately delineated and remediated. The hydrocarbon plume is stable and appears to be shrinking, and hydrocarbon concentrations in groundwater, with the exception of TPHg, are below applicable Environmental Screening Levels (ESLs). Benzene concentrations in soil vapor and groundwater are below applicable ESLs. A sensitive receptor survey concluded that residual compounds do not pose a significant risk to any sensitive receptors. Therefore, Pangea requested that the site be granted No Further Action status and the site case be closed. On December 20, 2007, DPH issued a Remedial Action Completion Certification that states that the site investigation and corrective action carried out is in compliance with the requirements of subdivisions (a) and (b) of Section 25299.37 of the Health and Safety Code that no further action related to the petroleum release at the site is required.[33]

The Eastern Neighborhoods identified a significant impact related to Hazardous Building Materials and determined that *Mitigation Measure L-1: Hazardous Building Materials* would reduce effects to a less-than-significant level. Since there are no structures at 1501 15th Street, *Mitigation Measure L-1* does not apply to the project.

Mitigation Measures

In accordance with Eastern Neighborhoods Final EIR requirements, the project sponsor has agreed to implement the following mitigation measures.

Project Mitigation Measure 1 – Archeological Resources (Mitigation Measure J-3 of the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

The Archeological Monitoring Program (AMP) shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition,

[32] Ibid.

[33] Ibid.

foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

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

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or

B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The

ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

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

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

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest

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

Project Mitigation Measure 2 – Historical Resources (Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

Projects involving new construction or alteration over 55 feet, or 10 feet taller than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. As previously mentioned, the Department presented the proposed project to the HPC on January 6, 2010, and the HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15th Street. Therefore, Project Mitigation Measure 2 has already been implemented.

Project Mitigation Measure 3 – Noise (Mitigation Measure F-4: Siting of Noise-Sensitive Uses in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

New development with noise-sensitive uses require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within two blocks of the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained. ESA conducted a noise study that demonstrated that the proposed project can attain Title 24 standards. Therefore, Project Mitigation Measure 3 has already been implemented.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on September 18, 2009 to owners of properties within 300 feet of the project site and adjacent occupants. Five members of the public expressed their concerns related to parking, contaminated soils, building mass, the loss of views and light, neighborhood character, and curb cuts. Parking is discussed on page 8, hazardous materials on page 26, the permitted mass of building on page 4, and, as stated on page 11, no new curb cuts are proposed. Loss of views, light, and neighborhood character are discussed on page 3 of the Community Plan Exemption.[34]

[34] San Francisco Planning Department, Community Plan Exemption Checklist, 1501 15th Street, January 21, 2011. This document is on file and available for review as part of Case File No. 2008.1395E at 1650 Mission Street, Suite 400, San Francisco, CA.

Conclusion

The Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 1501 15th Street project. As described above, the 1501 15th Street project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods Final EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods Final EIR. Thus, the proposed 1501 15th Street project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Eastern Neighborhoods Rezoning and Area Plans, nor would any environmental impacts be substantially greater than described in the Eastern Neighborhoods Final EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

Community Plan Exemption Checklist

Date:	January 21, 2011
Case No.:	**2008.1395E**
Project Title:	**1501 15th Street**
Zoning:	Urban Mixed Use (UMU) District 58-X Height and Bulk District
Block/Lot:	3553/054
Lot Size:	14,125 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	David Silverman, Reuben and Junius, (415) 567-9000
Staff Contact:	Don Lewis – (415) 575-9095, don.lewis@sfgov.org

A. PROJECT DESCRIPTION

The project site is located on the southwest corner of South Van Ness Avenue and 15th Street in the Mission neighborhood. The proposed project would replace a vacant lot (formerly a gas station) with a 58-foot-tall, five-story, 66,043-square-foot, mixed-use building consisting of 40 residential units (16 one-bedroom, 24 two-bedroom) and approximately 9,681 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on 15th Street. The project would require excavation of up to 14 feet below the existing grade. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space. In 2006, three 10,000-gallon underground storage tanks were removed from the project site and the Department of Public Health subsequently issued a closure letter for the former gas station.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

The following checklist identifies the potential environmental impacts of the proposed project and indicates whether any such impacts are addressed in the applicable Programmatic EIR (PEIR) for the plan area

This Community Plan Exemption (CPE) Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable Programmatic EIR (PEIR) for the plan area (i.e., the Eastern Neighborhoods Rezoning and Area Plans Final EIR).[1] Items checked "Sig. Impact Identified in PEIR" identify topics for which a significant impact is identified in the PEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the PEIR. If the analysis concludes that the proposed project

[1] San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, certified January 19, 2009. File No. 2004.0160E.

would contribute to a significant impact identified in the PEIR, the item is checked "Proj. Contributes to Sig. Impact Identified in PEIR." Mitigation measures identified in the PEIR applicable to the proposed project are identified in the text for each topic area.

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the PEIR. Any impacts not identified in the PEIR will be addressed in a separate Focused Initial Study or EIR.

All items for which the PEIR identified a significant impact or the project would have a significant peculiar impact are also checked "Addressed Below," and are discussed.

Topics for which the PEIR identified a significant program-level impact are addressed in the CPE Certification of Determination. Project impacts for all other topics are discussed in the CPE Checklist.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
1. LAND USE AND LAND USE PLANNING—Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Have a substantial impact upon the existing character of the vicinity?	☒	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☐

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☐	☐

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options, it was not anticipated that the proposed project would substantially damage scenic resources that contribute to a scenic public setting. As a proposed rezoning and planning process the project would not directly result in any physical damage. Rather, any changes in urban form and visual quality would be the secondary result of individual development projects that would occur subsequent to the adoption of changes in zoning and community plans.

With respect to views, the Eastern Neighborhoods Final EIR found that while development pursuant to the Plan would result in height increases and use district changes, the rezoning would not substantially degrade the views and new development up to the proposed height limits may even help define the street edge and better frame urban views. The Plan would not be considered to result in a significant adverse impact with regard to views. New construction in the Project area would generate additional night lighting but not in amounts unusual in industrial zones and within developed urban areas in general. Thus, the Final EIR concluded that light and glare impacts would be less than significant.

The proposed project would replace an existing vacant lot (formerly a gas station) with a 58-foot-tall building constructed to the Van Ness Avenue and 15th Street property lines. While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality. Furthermore, the proposed building would not be substantially taller than the existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Plan Area and the City as a whole.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not have such change. As described above, the proposed building envelope meets Planning Code requirements for the UMU zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity. Some reduced private views on private property would be an

unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA.

Topics:	*Sig. Impact Identified in PEIR*	*Project Contributes to Sig. Impact Identified in PEIR*	*Project Has Sig. Peculiar Impact*	*Addressed Below*
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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

One of the objectives of the Eastern Neighborhoods Rezoning and Area Plans Final EIR (FEIR) was to identify appropriate locations for housing in the City's industrially zoned land to meet a citywide need for more housing. According to the FEIR, the rezoning would not create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply. The proposed project would increase the population on site by constructing 40 new dwelling units. This increase in population would not be expected to have an adverse physical environmental impact.

The proposed project is not anticipated to create a substantial demand for increased housing because it would provide a relatively small amount of retail space (9,681 gsf). Additionally, the proposed project would not displace substantial numbers of people because the project site is currently a vacant lot. As such, construction of replacement housing would not be necessary.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☒	☒	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☒	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
5. TRANSPORTATION AND CIRCULATION—Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☒	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	☒	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	☐	☐	☐	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☐
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	☐	☐	☐	☒

Topics:		Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
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?	☒	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:		Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
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?	☒	☒	☐	☒
b)	Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☒	☐	☐	☒
c)	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☒
d)	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☒
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?	☐	☐	☐	☐
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?	☐	☐	☐	☐
g)	Be substantially affected by existing noise levels?	☒	☒	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:		Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
7.	**AIR QUALITY** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☒
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d)	Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☒
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐

Please see Certificate of Determination for discussion of this topic.

Topics:		Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
8.	**GREENHOUSE GAS EMISSIONS— Would the project:**				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b)	Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☐	☒
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☒	☐	☐	☒

Wind

Based on consideration of the height and location of the proposed 58-foot-tall building, the proposed project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site. As a result, the proposed project would not have any significant wind impacts.

Shadow

Please see the Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
10. 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?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

The proposed project would provide on-site open space for passive recreational use for project residents through a combination of a common outdoor space and private decks. The project location is served by the following existing parks: Franklin Square, Mission Playground, Jose Coronado Playground, and Mission Dolores Park. With the projected addition of 40 dwelling units, the proposed project would be expected to generate minimal additional demand for recreational facilities. The increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources. Thus, the proposed project would not result in significant impacts, either individually or cumulatively, in

regard to recreation facilities, nor require the construction or expansion of public recreation facilities.

Topics:		Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
11.	**UTILITIES AND SERVICE SYSTEMS—Would the project:**				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed project would have sufficient water supply available from existing entitlement, and solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would not result in a significant solid waste generation impact. Utilities and service systems would not be adversely affected by the project, individually or cumulatively, and no significant impact would ensue.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
12. 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?	☐	☐	☐	☒

The proposed project would not substantially increase demand for police or fire protection services and would not necessitate new school facilities in San Francisco. The proposed project would not result in a significant impact to public services.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
13. BIOLOGICAL RESOURCES— Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
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?	☐	☐	☐	☐

The project site is paved, vacant lot (formerly a gasoline station) that is located in a developed urban area which does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species. The project would not result in any significant effect with regard to biology, nor would the project contribute to any potential cumulative effects on biological resources.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
14. 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.)	☐	☐	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐
iv) Landslides?	☐	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☐

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☐

Soil disturbing activities would be required for the foundation system and excavation for the proposed basement level. It is anticipated that the building would be constructed on a reinforced concrete mat foundation and would require excavation to a depth of approximately 14 feet below grade. The completed project would not alter the overall topography of the site.

A geotechnical investigation has been performed for the proposed project.[2] The project site is underlain by 8 to 10 feet of moderately dense silty sand. This surface layer is underlain by 20 feet of very dense silty sands (native). This level is underlain by extremely dense silty sands to the maximum depth explored of 50 feet bgs. According to the geotechnical investigation, the proposed building could be supported by a structural mat foundation.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be mitigated during the permit review process through these measures. To ensure compliance with all *Building Code* provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The above-referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

The proposed project would not result in a significant effect related to geology, either individually or cumulatively.

[2] Allwest Geoscience, "Geotechnical Engineering Investigation Recommendation Report, New Five Story Multi Unit Basement Building, 1501 15th Street, San Francisco, California," April 23,2009. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2008.1395E.

Topics:		Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
15.	**HYDROLOGY AND WATER QUALITY— Would the project:**				
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐
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)?	☐	☐	☐	☐
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?	☐	☐	☐	☐
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?	☐	☐	☐	☐
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?	☐	☐	☐	☐
f)	Otherwise substantially degrade water quality?	☐	☐	☐	☐
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?	☐	☐	☐	☐
h)	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☐
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐
j)	Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐

The project site is completely covered by an existing asphalt surface parking lot and other improvements related to the former gas station and would be completely covered by the proposed mixed-use building. The proposed project would not change the amount of impervious surface area on the site and runoff and drainage would not be adversely affected. Effects related to water resources would not be significant, either individually or cumulatively.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
16. 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?	☐	☐	☐	☒
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?	☒	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☐

Please see Certificate of Determination for discussion of this topic.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
17. 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?	☐	☐	☐	☐

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
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?	☐	☐	☐	☐
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☐

The proposed project would not result in a significant physical environmental effect with respect to mineral and energy resources.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
18. AGRICULTURE AND FOREST 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
— Would the project				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☐	☐	☐	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☐	☐	☐	☐

The project site does not contain agricultural uses and is not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural resources.

Topics:	Sig. Impact Identified in PEIR	Project Contributes to Sig. Impact Identified in PEIR	Project Has Sig. Peculiar Impact	Addressed Below
19. 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?	☒	☐	☐	☐
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.)	☒	☐	☐	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

The proposed project would replace a vacant lot (formerly a gas station) with a new building. The new building would include 40 dwelling units, approximately 9,681 square feet of ground-floor commercial space, and 39 off-street parking spaces in a below-ground parking garage. The building would be 58 feet in height. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space. As discussed in this document, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already and disclosed in the Eastern Neighborhoods Final EIR.

C. DETERMINATION

On the basis of this review, it can be determined that:

☒ The proposed project qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**

☒ All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (PEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.

☐ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION is required, analyzing the effects that remain to be addressed.

☐ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.

DATE January 27, 2011

Bill Wycko
Environmental Review Officer
for
John Rahaim, Planning Director