SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	**2010.0128E**
Project Address:	**36-38 Harriet Street (formerly 42-48 Harriet Street)**
Zoning:	MUG (Mixed Use General); RED (Residential Enclave District); Youth and Family Zone Special Use District 45-X Height and Bulk District
Block/Lot:	Block 3731; Lots 101 and 102
Lot Size:	1,238 and 2,512 square feet, respectively
Plan Area:	East SOMA Subarea of the Eastern Neighborhoods
Project Sponsor:	Cara Houser, Panoramic Interests, (510) 883-1000
Staff Contact:	Don Lewis – (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The project sponsor proposes to demolish a vacant surface parking lot and construct a new, 45-foot-tall, four-story, 11,775-square-foot residential building with 23 SRO (Single Room Occupancy) condominium units. Five of the SRO units would be at the ground-floor level while floors 2 through 4 would each have six SRO units. The project would not provide off-street parking. The 3,750-square-foot project site is located on the southwest side of Harriet Street between Folsom and Howard Streets within the South of Market (SOMA) neighborhood. The project site is also within the East SOMA subarea of the Eastern Neighborhoods Rezoning and Area Plan and within the proposed Western SOMA Light Industrial and Residential Historic District.

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

November 10, 2010
Date

cc: Cara Houser, Project Contact
Diego Sanchez, Neighborhood Planning Division
Virna Byrd, M.D.F.
Supervisor Chris Daly, District 6
Exemption/Exclusion File
Historic Preservation List

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 36-38 Harriet Street residential 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 36-38 Harriet Street to determine if there would be significant impacts attributable to the proposed project. These studies examined that project's potential environmental effects on historical resources, noise, shadow, geology, and hazardous materials.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project, with the exception of hazards and hazardous materials, 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.[1] With the exception of hazards and hazardous materials, 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 36-38 Harriet 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)

[1] A Focused Initial Study will be conducted for hazards and hazardous materials topic. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2010.0128E.

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 36-38 Harriet 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 176592 and adopted the Preferred Project for final recommendation to the Board of Supervisors.[3]

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 Mixed Use General (MUG) in order to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood. 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 36-38 Harriet Street site, which

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[2] *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.

[3] 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

is also within the Residential Enclave District (RED), was designated and envisioned as a site with a building up to 45 feet in height and containing residential use.

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. With the exception of hazards and hazardous materials, this determination concludes that the proposed residential project at 36-38 Harriet Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods Final EIR. This determination also finds, with the exception of hazards and hazardous materials, that the Eastern Neighborhoods Final EIR adequately anticipated and described the impacts of the proposed 36-38 Harriet Street project, and identified the mitigation measures applicable to the 36-38 Harriet Street project. The proposed project is also consistent with the zoning controls for the project site. Therefore, with the exception of hazards and hazardous materials, no further CEQA evaluation for the 36-38 Harriet 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 36-38 Harriet 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 36-38 Harriet Street project. As a result, the proposed project, with the exception of hazards and hazardous materials, 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, with the exception of hazards and hazardous materials, while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.[4] With the exception of hazards and hazardous materials, the following discussion demonstrates that the 36-38 Harriet 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 gas emissions, and shadow.

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

[4] San Francisco Planning Department, Community Plan Exemption Checklist, 36-38 Harriet Street, November 10, 2010. This document is on file and is available for review as part of Case File No. 2010.0128E at 1650 Mission Street, Suite 400, San Francisco, CA.

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 Mixed Use General (MUG) to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood. In addition, the project site is also within the Residential Enclave District (RED) and is viewed as an opportunity for new, moderate-income, in-fill housing.

The proposed project would replace an existing surface parking lot with a 45-foot-tall residential building. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted with the MUG and RED zoning controls. Further, the project is proposed on 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 Final EIR 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 36-38 Harriet Street project would not contribute to this impact because there would be no loss of PDR.

In addition, Citywide Planning and Neighborhood Planning have both 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.[5,6] Therefore, the project is eligible for a Community Plan Exemption.

Archeological Resources

The Eastern Neighborhoods Final EIR identified a significant impact related to archeological resources and determined that *Mitigation Measures J-1: Properties with Previous Studies, J-2: Properties With No Previous Studies*, and *J-3: Mission Dolores Archeological District* would reduce effects to a less-than-significant level. Since the proposed site is located outside Archeological Mitigation Zone A and B, and since no previous

[5] David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 36-38 Harriet Street. This document is on file and available for review as part of Case File No. 2010.0128E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[6] Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 36-38 Harriet Street. This document is on file and available for review as part of Case File No. 2010.0128E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

studies have been conducted on the project site, *Mitigation Measure J-2* applies to the proposed project. Pursuant to Mitigation Measure J-2, a Preliminary Archeological Sensitivity Study memorandum was prepared for the proposed project.[7] The memorandum states that with implementation of the Department's measures for accidental discovery, there is low potential to adversely affect archeological resources. In the event such resources are encountered during ground-disturbing activities, implementation of *Mitigation Measure J-2* would reduce potential effects to a less-than-significant level. Therefore, Eastern Neighborhoods *Mitigation Measure J-2* (see Project Mitigation Measure 1 on page 26 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact to a less than significant level from soils-disturbing activities on buried archeological resources.

Historic Architectural Resources[8]

The subject property is located within the potential Western SoMa Light Industrial and Residential Historic District, which has not been adopted by the Historic Preservation Commission (HPC). Although the subject property, an unimproved surface parking lot, is located within an identified potential historic district, the property is not a contributor to the district. While the proposed building may be contemporary in style, the proposed design is sensitive to the historic resources in the area. The scale, form, massing, fenestration patterns, and materials of the proposed building are appropriately designed to relate to adjacent historic buildings. Contributing buildings in the neighborhood are either residential or industrial, both in building use and architecture. The proposed façade and fenestration are a mixture of industrial and residential styles. The design of the front façade and the overall form, bulk, massing, fenestration, and materials of the proposed new construction are compatible with surrounding historical resources. The proposed building is compatible with the residential buildings on the block in terms of scale, height, size, and massing. Therefore, the proposed project is not anticipated to have an adverse effect on off-site historical 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 10 feet taller than the adjacent property at 34 Harriet Street, which was constructed in 1925, *Mitigation Measure K-1* (see Project Mitigation Measure 2 on page 27 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, the Department presented the proposed project to the HPC on October 6, 2010. The HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 34 Harriet Street or the potential historic district.

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

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[7] Randall Dean, MEA archeologist, memorandum to Jeremy Battis, MEA planner, June 15, 2010. This memorandum is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2010.0128E.

[8] Memorandum from Ben Fu, Preservation Technical Specialist, to Don Lewis, Planner, Major Environmental Analysis, October 15, 2010. This memo is available for review as part of Case File No. 2010.0128E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

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

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.[9] The proposed project would generate about 173 person trips (inbound and outbound) on a weekday daily basis, consisting of 53 person trips by auto, 46 transit trips, 64 walk trips and 10 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 8 vehicle trips (accounting for vehicle occupancy data for this Census Tract). Due to the project's location near major transit routes, this is likely a conservative estimate of vehicle trips.

The estimated 8 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 the Sixth Street/Folsom Street intersection (one block from project site) currently operates at LOS B during the weekday p.m. peak hour and that the Sixth Street/Howard Street intersection (one block from project site) operates at LOS C during the weekday p.m. peak hour.[10] Given that the proposed project would add approximately 8 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 East SOMA Subarea of the Eastern Neighborhoods. The nearest intersection to the project site that was analyzed (existing and 2025 operating conditions) in the Eastern Neighborhoods Final EIR is located at Seventh Street/Harrison Street (five blocks away). With the Eastern Neighborhood Rezoning, this intersection is anticipated to change from LOS B to LOS F under 2025 weekday p.m. peak hour conditions under Plan options A and B and to LOS E under Plan option C.

The nearest East SOMA Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday p.m. peak hour was at Seventh Street/Harrison Street (five blocks to the south of the project site) which operated at LOS B under existing (baseline) conditions and would deteriorate to LOS F under 2025 weekday p.m. peak hour operating conditions under Plan Options A and

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[9] Don Lewis, San Francisco Planning Department, *Transportation Calculations,* September 16, 2010. These calculations are available for review as part of Case File No. 2010.0128E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[10] CHS Consulting Group, *900 Folsom Street and 260 Fifth Street Transportation Study,* November 28, 2007. 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. 2007.0689!

B. It is likely these conditions would occur with or without the project, and the proposed project's contribution of 8 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 the Seventh Street/Harrison 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 August 7, 2008. 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 46 daily transit person trips, of which 8 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 8AX/BX, 12, 14, 14L, 14X, 19, 27, and 47, 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 August 7, 2008. 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 8 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 not have a significant cumulative transit impact.

Parking

The project site is currently a vacant, surface parking lot. The proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Section 840.08, and the project does not propose any off-street parking spaces. Based on the methodology presented in the 2002 *Transportation Guidelines*, on an average weekday, the demand for parking would be 25 spaces. Thus, the project would have an unmet parking demand of 25 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 8AX/BX, 12, 14, 14L, 14X, 19, 27, and 47) and bike lanes (19, 23, 30, 62, and 63) 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

Pedestrian access to the residential building would be on Harriet Street. The project does not propose off-street parking. Harriet Street is a two-way minor mid-block street with parallel parking on both sides. 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 Harrison Street, Mission Street, and Market Street. Garbage pickup would be located on Harriet Street.

Loading

Based on the *SF Guidelines*, the proposed project would generate an average loading demand of 0.02 truck-trips per hour. *Planning Code* Section 152.1 does not require off-street loading for residential

development less than 100,000 square feet. Therefore, off-street loading spaces are not required for the proposed project, which would include 11,775 square feet of residential 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 Harriet Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on Harriet Street.

Pedestrian and Bicycle Conditions

The proposed project would generate approximately 11 p.m. peak-hour pedestrian trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflicts, 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 five major Citywide Bicycle Routes. Howard Street comprises a portion of route #62, Folsom Street comprises a portion of route #63, 7th Street a portion of route #23, and 5th Street a portion of route #19. In addition, route #30 also serves both Folsom Street and Howard Street. 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 23 dwelling units and thus would be required to provide 12 bicycle parking spaces which would be provided inside the ground-floor. 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.

noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels on Harriet Street are between 60.1 and 65.0 dBA. 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 36-38 Harriet Street project, a multi-unit residential project, 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 27 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, a noise specialist was 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 900 feet of the project site.[12]

The 24-hour noise measurement recorded a day-night noise average of 63 dBA (Ldn), which is comparable to what was forecasted by the noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 60.1 dBA and 65 dBA (Ldn) for the project block. According to the noise study, the only significant noise-generating uses within 900 feet of the site with a direct line-of-sight to the project site are transportation noise sources from Harriet Street and an auto body shop (Bee Automotive Collision Center) across the street. No other noise-generating uses were identified within 900 feet of the site with a direct line-of-sight to the project site.

Given the noise environment, the noise study concluded that it would appear that the interior noise level can typically be maintained below the State standards of 45 dBA (Ldn) by standard residential construction methods with the incorporation of forced-air mechanical ventilation systems in residential units. Preliminary calculations suggest that the residential units nearest Harriet Street would require windows and doors with a minimum Sound Transmission Class rating of 26 STC (63 – 26 = 37) and a suitable form of mechanical ventilation to ensure that the interior average noise level of 45 dBA (Ldn) is met as required by the San Francisco Building Code. Therefore, the 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.

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[12] Illingworth and Rodkin, Environmental Noise Assessment, 36-38 Harriet Street, September 16, 2010. This document is on file and is available for review as part of Case File No. 2010.0128E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

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 residential development would not 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 3 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 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 Final EIR 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 would not require pile driving, *Mitigation Measure F-1* is not applicable to the proposed project.

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

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

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[13] concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m3).[14] The project site is not located within the Potential Roadway Exposure Zone, and therefore, *Mitigation Measure G-2* does not apply to the proposed project.

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 36-38 Harriet 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 residential building with 23 units, would not be expected to generate TACs as part of everyday operations, the 36-38 Harriet Street project would not contribute to this significant impact and *Mitigation Measure G-4* is not applicable.

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[13] 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".

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

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 GHGs 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 (CO_2), methane (CH_4), and nitrous oxide (N_2O) 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).[15]

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.[16]

The California 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.[17] 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.[18] 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 percent of the Bay Area's 95.8 MMTCO2E emitted in 2007.[19] Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at 7 percent, off-road equipment at 3 percent and agriculture at 1 percent.[20]

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

[16] California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: http://www.climatechange.ca.gov/publications/faqs.html. Accessed March 2, 2010.

[17] California Air Resources Board, "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.

[18] Ibid.

[19] 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.

[20] Ibid.

Senate Bill 97 (SB 97) requires 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. The Natural Resources Agency adopted OPR's CEQA guidelines on December 30, 2009, amending various sections of the guidelines to provide guidance for analyzing GHG emissions. Specifically, 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. OPR's amendments to the CEQA Guidelines have been incorporated into this analysis accordingly.

Project Greenhouse Gas Emissions. The most common GHGs resulting from human activity are CO2, CH4, and N2O.[21] State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes and are therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during their construction and operational phases. Both direct and indirect GHG emissions are generated by project operations. 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 on the project site by constructing a residential building on a vacant surface parking lot. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and building operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

San Francisco has been actively pursuing cleaner energy, alternative transportation, and solid waste policies, many of which have been codified into the regulations listed above. In an independent review of San Francisco's community-wide emissions it was reported that San Francisco has achieved a 5 percent reduction in community-wide GHG emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7 percent below 1990 levels by 2012. The "community-wide inventory" includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well as municipal operations. The inventory also includes emissions from both transportation and building energy sources.[22]

As infill development, the proposed project would be constructed in an urban area with good transit access, reducing regional vehicle trips and vehicle miles traveled. Given that San Francisco has implemented binding and enforceable programs to reduce GHG emissions applicable to the proposed project and that San Francisco's sustainable policies have resulted in the measured success of reduced

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[21] 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 http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf. Accessed March 3, 2010.

[22] *City and County of San Francisco: Community GHG Inventory Review.* August 1, 2008. IFC International, 394 Pacific Avenue, 2nd Floor, San Francisco, CA 94111. Prepared for City and County of San Francisco, Department of the Environment.

GHG emissions levels, the proposed project's GHG emissions would result in a less than significant impact.

Consistency with Applicable Plans. Both the State and the City of San Francisco have adopted programs for reducing greenhouse gas emissions, as discussed below.

Assembly Bill 32. 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 the 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, the 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.[23] 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 below). The ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[24] 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).

GHG Reductions from the AB 32 Scoping Plan	
Reduction Measures	GHG Reductions (MMT CO2E)
Reduction Measures By Sector	
Transportation	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

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

[24] 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.

Methane capture at large dairies	1
Additional GHG Reduction Measures	
Water reduction measures	4.8
Green buildings measures	26
High recycling/zero waste measures: commercial recycling, composting, anaerobic digestion, extended producer responsibility, and environmentally preferable purchasing	9
Total	42.8-43.8

Source: ARB, California's Climate Plan: Fact Sheet, "Balanced and Comprehensive Mix of Measures."

AB 32 also anticipates that local government actions will result in reduced GHG emissions. The 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. This is 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 the ARB. SB 375 also includes provisions for streamlined CEQA 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.

City and County of San Francisco GHG Reduction Strategy. In addition to the State's GHG reduction strategy (AB 32), the City has developed its own strategy to address greenhouse gas emissions on a local level. The vision of the strategy is expressed in the City's Climate Action Plan, however implementation of the strategy is appropriately articulated within other citywide plans (General Plan, Sustainability Plan, etc.), policies (Transit-First Policy, Precautionary Principle Policy, etc.), and regulations (Green Building Ordinance, etc.). The following plans, policies, and regulations highlight some of the main components of San Francisco's GHG reduction strategy.

Overall GHG Reduction Sector
San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.
The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco

Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions.[25] The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent GHG reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

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

Determine 1990 City GHG emissions by 2008, the baseline level with reference to which target reductions are set;

Reduce GHG emissions by 25 percent below 1990 levels by 2017;

Reduce GHG emissions by 45 percent below 1990 levels by 2025; and

Reduce GHG emissions by 80 percent below 1990 levels by 2050.

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

Transportation Sector

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy (Article 8A, Section 8A.115. of the City Charter) with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particulate matter (PM, or soot) than the buses they replace, they produce 45 percent less oxides of nitrogen (NOx), and they reduce GHGs by 30 percent.

San Francisco Municipal Transportation Agency's Climate Action Plan. In November 2007 voters passed Proposition A, requiring the SFMTA to develop a plan to reach a 20 percent GHG reduction below 1990 levels by 2012 for the City's entire transportation sector, not merely in the SFMTA's internal operations. SFMTA has prepared a Draft Climate Action Plan outlining measures needed to achieve these targets.

Commuter Benefit Ordinance. The Commuter Benefit Ordinance (Environment Code, Section 421), effective January 19, 2009, requires all employers in San Francisco that have 20 or more employees to offer one of the following benefits: (1) A Pre-tax Transit Benefit, (2) Employer Paid Transit Benefits, or (3) Employer Provided Transit.

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

The City's Planning Code reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development. The City's more recent area plans, such as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve San Francisco's streetscape, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options.

Renewable Energy

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

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched their "GoSolarSF" program to San Francisco's businesses and residents, offering incentives in the form of a rebate program that could pay for approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents. The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold Certification.

Green Building

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

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 square feet (sq. ft.), residential buildings over 75 feet in height, and renovations on buildings over 25,000 sq. ft. to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance includes reducing CO2 emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and stormwater by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by $200 million, reducing automobile trips by 545,000, and increasing green power generation by 37,000 megawatt hours.[26]

Waste Reduction

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its' waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 72 percent of discarded material.

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

Universal Recycling and Composting Ordinance. Signed into law on June 23, 2009, this ordinance requires all residential and commercial building owners to sign up for recycling and composting services. Any property owner or manager who fails to maintain and pay for adequate trash, recycling, and composting service is subject to liens, fines, and other fees.

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

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments, and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires many stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

AB 32 contains a comprehensive approach for developing regulations to reduce statewide GHG emissions. The ARB acknowledges that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas sectors. Many of the measures in the Scoping Plan—such as implementation of increased fuel efficiency for vehicles (the "Pavley" standards), increased efficiency in utility operations, and development of more renewable energy sources—require statewide action by government, industry, or both.

Some of the Scoping Plan measures are at least partially applicable to development projects, such as increasing energy efficiency in new construction, installation of solar panels on individual building roofs, and a "green building" strategy. As evidenced above, the City has already implemented several of these measures that require local government action, such as the Green Building Ordinance, a zero waste strategy, the Construction and Demolition Debris Recovery Ordinance, and a solar energy generation subsidy program, to realize meaningful reductions in GHG emissions. These programs (and others not listed) collectively comprise San Francisco's GHG reduction strategy and continue San Francisco's efforts to reduce the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City's 2004 Climate Action Plan. The City's GHG reduction strategy also furthers the State's efforts to reduce statewide GHG emissions as mandated by AB 32.

The proposed project would be required to comply with GHG reduction regulations as discussed above, as well as applicable AB 32 Scoping Plan measures that are ultimately adopted and become effective during implementation of proposed project. Given that the City has adopted numerous GHG reduction strategies recommended in the AB 32 Scoping Plan; that the City's GHG reduction strategy includes binding, enforceable measures to be applied to development projects, such as the proposed project; and that the City's GHG reduction strategy has produced measurable reductions in GHG emissions, the proposed project would not conflict with either the state or local GHG reduction strategies. In addition, the proposed project would not conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Therefore, the proposed project would have a less-than-significant impact with respect to GHG emissions.

In summary, the project proposes to construct a residential building on a vacant surface parking lot. The proposed project would contribute to the cumulative effects of climate change by emitting greenhouse gases (GHGs) during construction and operational phases. Construction of the proposed project is estimated at approximately three months. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from 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 project site is located within the East SOMA 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 East SOMA 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 (CO_2E)[27] per service population[28], respectively.[29] 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.

Shadow

The project site is located approximately 50 feet from the South of Market/Gene Friend Recreation Center (SOMA Recreation Center), which is approximately 44,337 square feet in size and fronts on Sixth, Folsom, and Harriet Streets. The SOMA Recreation Center is under the jurisdiction of the Department of Recreation and Parks. The southwest half of the SOMA Recreation Center is comprised of outdoor facilities, including a basketball court, a parking area, mature trees, benches, a play structure, a pedestrian pathway and a grass lawn, while the northeast half of the site is dominated by a one-story recreation center building that fronts on Sixth Street. Figure 1, below, is an aerial image of the SOMA Recreation Center annotated to show these features. The recreation center (hereinafter also referred to as the "park") currently has some shadow from existing buildings, and there are also a number of mature trees along the edges of the park that create shade.

Section 295 of the *Planning Code* was adopted in response to Proposition K (passed in November 1984) to protect certain public open spaces (under Recreation and Park jurisdiction) from shadow by new structures during the period between one hour after sunrise and one hour before sunset, year-round. Section 295 restricts new shadow on public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet in height unless the Planning Commission finds the impact not to be significant and adverse. Shadow limits have been developed for some Section 295 parks in the Downtown area; however, no shadow limit has been identified for the SOMA Recreation Center.

Pursuant to the Eastern Neighborhoods Rezoning and Area Plans, the height limits in the East SOMA subarea, in which the project site is located, were raised from 40 feet to up to 85 feet.[30] A shadow analysis

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[27] 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.

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

[29] *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.

[30] However, the height limit for the project site was decreased from 50 feet to 45 feet.

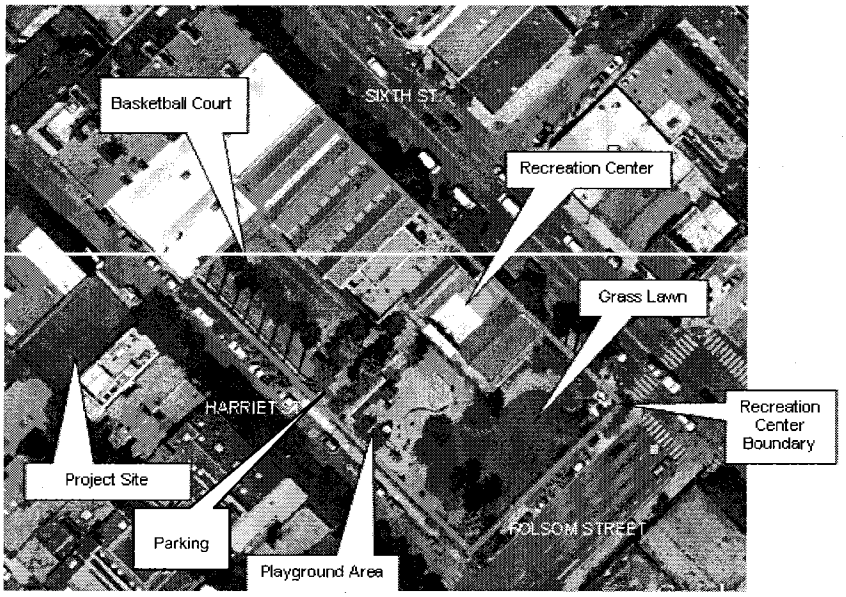

Figure 1. Aerial View of South of Market/Gene Friend Recreation Center

Source: Google Earth 2010
Not to scale

conducted for the Eastern Neighborhoods Area Plan EIR addressed potential impacts to the SOMA Recreation Center.[31] The shadow analysis in that EIR found that under existing conditions during the summer solstice, the park would be in full sun from 7:55 AM until 2:15 PM (along the northern edge of the park) and 5:45 PM (along the western edge of the park). The EIR also found that up to 100 percent of the park could be shaded at the last Section 295 minute in winter and up to 80 percent of the park could be shaded at the last Section 295 minute in summer with full build-out in accordance with existing height limits. The Eastern Neighborhoods EIR notes that Section 295 would limit potential new shadow impacts on SOMA Recreation Center and that new shadow impacts would be evaluated on a project-specific basis, but that without detailed development proposals, the potential for new shadow impacts could not be determined and the EIR concluded that increasing heights as part of the rezoning effort could potentially result in significant shadow impacts on SOMA Recreation Center, requiring individual projects to undergo a detailed shadow analysis.

To determine whether this project would comply with Section 295, a shadow fan analysis was prepared by the Planning Department. This analysis determined that the proposed project has the potential to

[31] *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.

impact properties protected by the ordinance by casting net new shadow on the SOMA Recreation Center and that a more precise shadow analysis is required.[32]

A more refined project-specific analysis was conducted for the proposed project by CADP Associates[33] to determine the project's shadow impact on the SOMA Recreation Center. The shadow analysis analyzed the proposed project, which is 45 feet tall, and also a 40-foot-tall building. The 40-foot-tall building analysis was conducted to compare the proposed project against new shadow that would be exempt from Section 295 of the *Planning Code* (shadow from buildings less than 40 feet tall). The shadow analysis found that the proposed 45-foot-tall building would mainly affect the basketball court, with early evening impacts to the playground and to a small patch of lawn area at certain times of the year. Shadow impacts would occur in generally the last three hours of the day before sunset and during the summer months reducing duration to within approximately the last 30 minutes before one hour prior to sunset.

During the equinox (approximately September to March 21), new shadow from the proposed 45-foot-tall building on the park would begin at 3:30 PM and would fill in a band of sunlight between the existing shadows falling on the basketball court. During the summer solstice (June 21), new shadow would begin at 5:15 PM, initially falling on the corner of the basketball court and then falling on a small portion of the lawn area at the end of the day. The new shadow would not reach the playground area until the last 30 minutes of the last hour prior to sunset. During winter solstice (December 20), new shadow would begin at 3:30 PM, filling in a thin sliver of sunlight between existing shadows falling on the basketball court. The new shadow would only fall for approximately the last 30 minutes of the last hour prior to sunset.

The maximum shadow impact on a specific day and time from the proposed 45-foot-tall building would be on August 2nd when new shadow would be cast on the park between 4:45 PM and 7:31 PM. On this day, new shadow would reach a maximum area of approximately 3,706 square feet of the park (or 8.4 percent), though on average just 1,631 square feet or 3.7 percent of the park would be affected during the roughly two hours and 45 minutes of shadow impact. Therefore, at its greatest extent at a single time, the new shadow would not cover a substantial area of the park. Figure 2 shows the shade that would be cast upon the park during this period. This new shadow would generally affect less than a quarter size of the grass lawn area and less than half of the playground area. The shadow analysis found that the theoretically available amount of sunlight (TAAS) on the SOMA Recreation Center is approximately 164,997,014 square feet.[34] The project would add approximately 731,481 square feet of new shade, resulting in a 0.44 percent (less than one half of one percent) decrease in the theoretically available sunlight.

As discussed above, a second analysis was conducted for a 40-foot-tall building, which would be exempt from Section 295 of the *Planning Code*. A 40-foot building would add approximately 586,300 square feet of

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[32] Diego Sanchez, San Francisco Planning Department, letter dated March 24, 2010 (Case No. 2010.0128K) Shadow Analysis. 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. 2010.0128E.

[33] Adam Noble, CADP Associates. *42-48 Harriet Street Shadow Analysis*, April 22, 2010. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2010.0128E.

[34] TAAS does not account for shadows cast by existing buildings.

new shade, reducing the theoretically available sunlight by 0.36 percent (approximately one third of one percent). When considering the shadow caused by the 40-foot-tall building as an existing shadow casting element, the proposed five-foot building height increase would result in a 0.08 percent (less than one tenth of one percent) net decrease of theoretically available sunlight. Figure 2 shows the difference between shadow cast by a 40-foot building versus the proposed project during the highest shadow impact period.

In order to understand the amount of new shade cast on the SOMA Recreation Center attributable to the proposed project, additional shadow analysis was prepared which considered existing buildings only.[35] Figure 2 shows the greatest amount of new shade on SOMA Recreation Center at 7:31 PM on August 2nd. The shadow analysis did not include certain existing shade casting elements which include the existing palm trees that line the edges of the park or the existing palm trees that are located between the basketball court and the playground area. These trees considerably contribute to the existing shade on the project site.

The proposed project will be presented to both the Recreation and Parks Commission and then the Planning Commission for a determination of the project's shadow impact on the SOMA Recreation Center, under Section 295 of the *Planning Code.*

Under CEQA, a project is considered to have a significant shadow impact if the project would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. The new shadow created by the proposed project would not be substantial. The new shadow impact would occur during the last three hours of the day before sunset and during the summer months reducing duration to within approximately the last 30 minutes before one hour prior to sunset. The proposed project would decrease the potential theoretical sunlight availability by only 0.44 percent (which is less than one half of one percent) by adding 731,481 square feet of net new shadow throughout the year. However, since the existing shade-casting elements, such as the existing palm trees that line the edges of the park or the existing palm trees that are located between the basketball court and the playground area, were not considered in the shadow analysis, the net new shading would actually be less than 731,481 square feet.

In summary, new shadow from the proposed project on the SOMA Recreation Center would be relatively minimal. New shadow would mainly fall on the basketball court, but would not be considered substantial as the new shadow would never shade more than a ¼ of the court at any one time, and would not impair the use of the basketball court. The project would result in new shade on portions of the playground and the lawn area, but only towards the end of the day at certain times of the year. Because new additional shadow would occur for a relatively short duration per day and would cover relatively small areas during portions of the year, the new shadow would not be expected to preclude or substantially reduce the use of the outdoor facilities, which includes the basketball court, the playground, and the lawn area, at the SOMA Recreation Center.

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[35] Adam Noble, CADP Associates. *42-48 Harriet Street Shadow Analysis*, April 22, 2010. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2010.0128E.

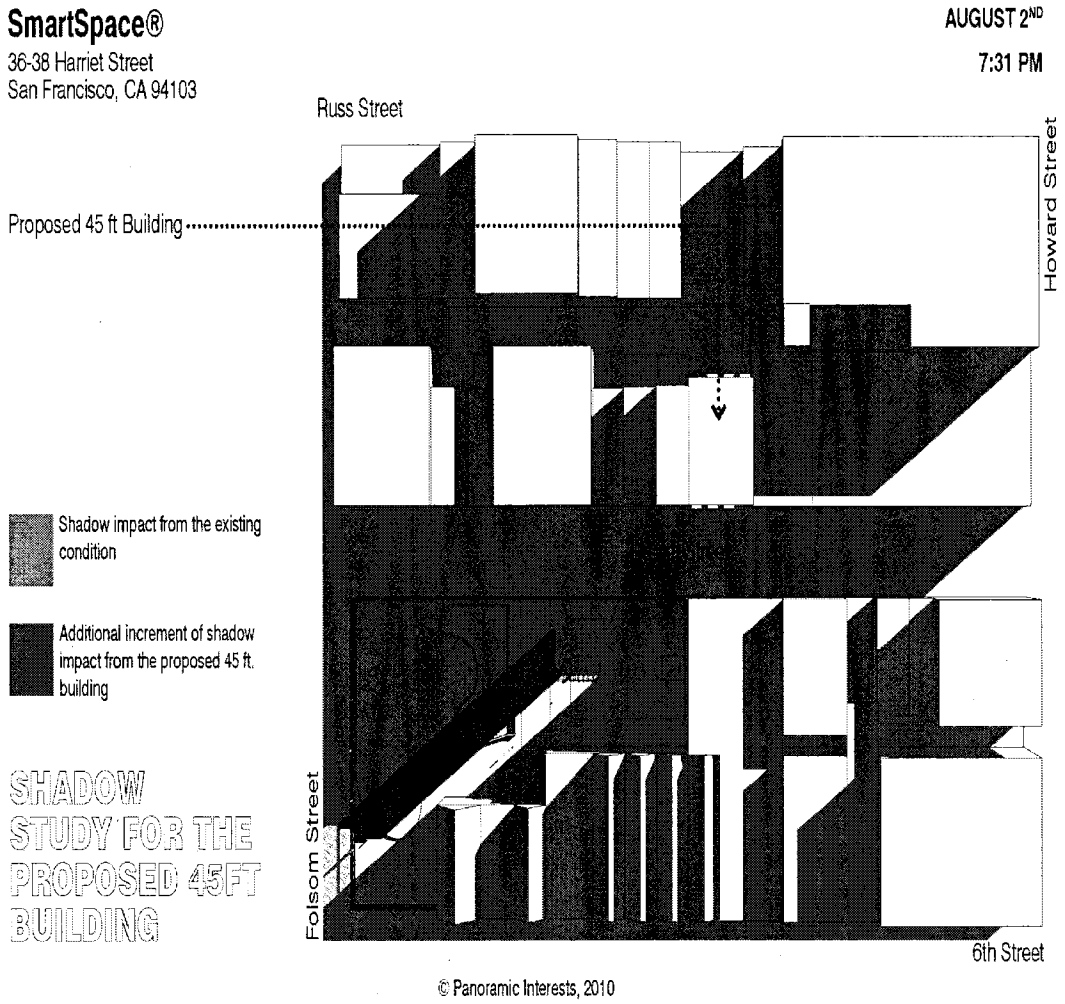

Figure 2. Proposed Project Shadow Impact on SOMA Recreation Center June 21st, 7:30 PM
Source: CADP, LLC.
Not to scale

The existing shadows from the buildings directly across (southwest) from the park are not likely to change as there are no undeveloped lots apart from the project site and thus it is unlikely that the blocks immediately across (southwest) from the SOMA Recreation Center would be the subject of additional development in the near future. Therefore, the proposed project's new shadow impact would not be cumulatively considerable, as development of the surrounding lots are not likely to be redeveloped in the near future.

Section 295 of the *Planning Code* does not provide protection of sunlight for non-Recreation and Park properties or private open space properties. However, these properties are evaluated under CEQA. Other public spaces that would be affected by the shadow caused by the proposed project include public

sidewalks in the project vicinity. The proposed project would be similar in height to the existing adjacent buildings to the east and would be approximately twice as tall as the existing adjacent buildings to the west. Therefore, the proposed project would increase shadow on Harriet Street. However, the proposed project would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. While an increase in shadow at any time of the year may be regarded as an adverse change to those affected, it would not be considered a substantial increase or significant adverse effect under CEQA.

In light of the above, the proposed project's potential to increase shadow in the project vicinity would be both individually and cumulatively less than significant.

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 (J-2: Properties With No Previous Studies in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division

guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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 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 October 6, 2010, and the HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 34-40 Harriet Street or the potential historic district. 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 900 feet of, and that have a direct line-of-sight to, 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. Illingworth and Rodkin 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 May 14, 2010 to owners of properties within 300 feet of the project site and adjacent occupants. One member of the public expressed

concern related to soil. A geotechnical report was reviewed by Planning and is discussed on page 12 of the Community Plan Exemption Checklist.[36] Final building plans would be reviewed by the Department of Building Inspection (DBI), and 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.

Conclusion

With the exception of hazards and hazardous materials, the Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 36-38 Harriet Street project. As described above, and except for hazards and hazardous materials, the 36-38 Harriet 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, with the exception of hazards and hazardous materials, the proposed 36-38 Harriet 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. Due to the peculiar impact found concerning hazards and hazardous materials, a Focused Mitigated Negative Declaration has been prepared for that topic area only.[37]

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[36] San Francisco Planning Department, Community Plan Exemption Checklist, 36-38 Harriet Street, November 10, 2010. This document is on file and is available for review as part of Case File No. 2010.0128E at 1650 Mission Street, Suite 400, San Francisco, CA.

[37] Preliminary Mitigated Negative Declaration, 36-38 Harriet Street, November 10, 2010. This document is on file and available for review as part of Case File No. 2010.0128E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.