



# SAN FRANCISCO PLANNING DEPARTMENT

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## Initial Study – Community Plan Evaluation

*Case No.:* **2014.0244E**  
*Project Address:* **230 7<sup>th</sup> Street**  
*Zoning:* Western SoMa Mixed Use-General (WMUG)  
65-X Height and Bulk District  
Western SoMa Special Use District  
Youth and Family Special Use District  
*Plan Area:* Western SoMa Community Plan  
*Block/Lot:* 3730/004  
*Lot Size:* 12,375 square feet  
*Project Sponsor:* Juan Carlos Wallace, Oryx Partners, (415) 902-5882  
*Staff Contact:* Don Lewis, (415) 575-9168, [don.lewis@sfgov.org](mailto:don.lewis@sfgov.org)

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### PROJECT DESCRIPTION

The project site is located on the block bounded by Howard Street to the north, 8<sup>th</sup> Street to the west, Folsom Street to the south, and 7<sup>th</sup> Street to the east in the South of Market neighborhood (see Figure 1, Project Location). The project site is a through-lot with frontages on 7<sup>th</sup> and Langton streets. The project site is occupied by a two-story, 14,230-square-foot, industrial building (constructed in 1924) and is currently used as an indoor public parking garage with approximately 75 spaces. The project sponsor proposes the demolition of the existing building (except for the brick Langton Street façade which would be retained and rehabilitated) and construction of a 65-foot-tall (81-foot-tall with elevator penthouse), six-story, mixed-use building approximately 44,720 square feet in size with 40 residential units, 2,010 square feet of ground-floor commercial space, and 20 off-street parking spaces (see Figure 2, Site Plan; Figure 3, Ground Floor Plan; and Figure 4, Upper Floor Plan).

The proposed mix of units would include two-bedroom, one-bedroom, and studio units. The project would provide 40 Class I bicycle spaces at the ground floor and four Class 2 bicycle spaces<sup>1</sup> on the sidewalk in front of the project site (two on 7<sup>th</sup> Street and two on Langton Street). The proposed project would include 3,170 square feet of common open space in the form of an at-grade rear yard situated between the new building and the rehabilitated Langton Street façade and 1,085 square feet of common open space on the roof deck (see Figure 5, Roof Plan). The project would plant eight new street trees (four on 7<sup>th</sup> Street and four on Langton Street). The four existing curb cuts (two on 7<sup>th</sup> Street and two on Langton Street) would be removed and standard sidewalk and curb dimensions restored. The project would create a new 10-foot-wide curb cut on 7<sup>th</sup> Street for access to the ground-floor parking garage.

During the approximately 16-month construction period, the proposed project would require up to approximately 8 feet of excavation below ground surface for the building foundation and car stacking

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<sup>1</sup> Section 155.1(a) of the Planning Code defines Class 1 bicycle spaces as “spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees” and defines Class 2 bicycle spaces as “spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.”

system, resulting in approximately 800 cubic yards of soil removal. The proposed building would be supported by a mat foundation on improved soil; impact piling driving is not proposed or required.

## PROJECT APPROVALS

The proposed 230 7<sup>th</sup> Street project would require the following approvals:

### Actions by the Planning Commission

- Approval of a large project authorization from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 25,000 gross square feet in size.

### Actions by other City Departments

- Approval of a site mitigation plan from the San Francisco Department of Public Health prior to the commencement of any excavation work.
- Approval of building permits from the San Francisco Department of Building Inspection for demolition and new construction.

The approval of the large project authorization would be the *approval action* for the project. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## EVALUATION OF ENVIRONMENTAL EFFECTS

This initial study evaluates whether the environmental impacts of the proposed project are addressed in the programmatic environmental impact report for the *Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project* (Western SoMa PEIR).<sup>2</sup> The initial study considers whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Western SoMa PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific, focused mitigated negative declaration or environmental impact report. If no such topics are identified, no additional environmental review shall be required for the project beyond that provided in the Western SoMa PEIR and this project-specific initial study in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under the Mitigation Measures section at the end of this initial study.

The Western SoMa PEIR identified significant impacts related to cultural and paleontological resources, transportation and circulation, noise and vibration, air quality, wind and shadow, biological resources, and hazards and hazardous materials. Additionally, the PEIR identified significant cumulative impacts

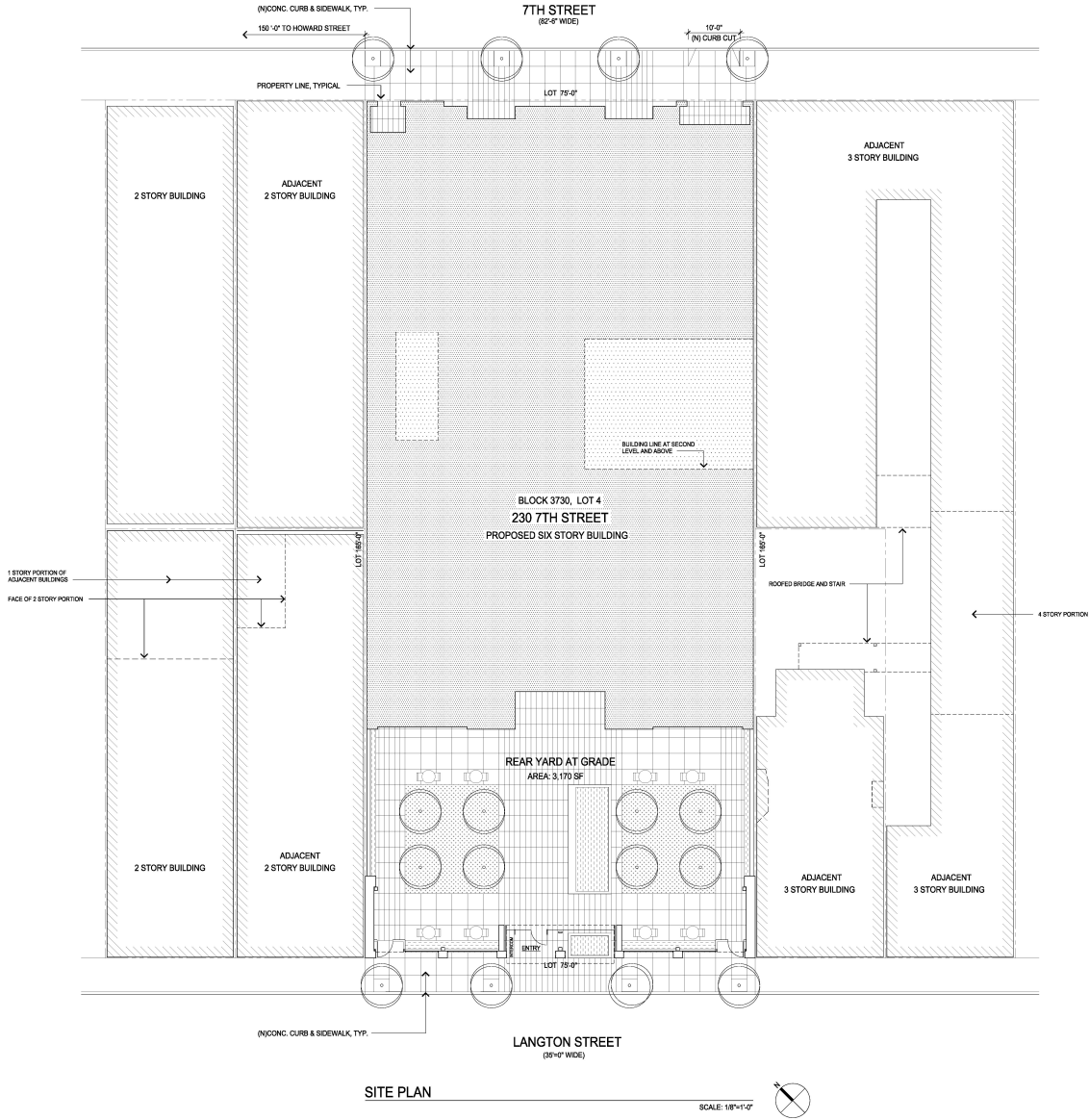
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<sup>2</sup> San Francisco Planning Department, *Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Final Environmental Impact Report* (PEIR), Planning Department Cases No. 2008.0877E and 2007.1035E, State Clearinghouse No. 2009082031, certified December 6, 2012. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 3, 2016.

Figure 1: Project Location



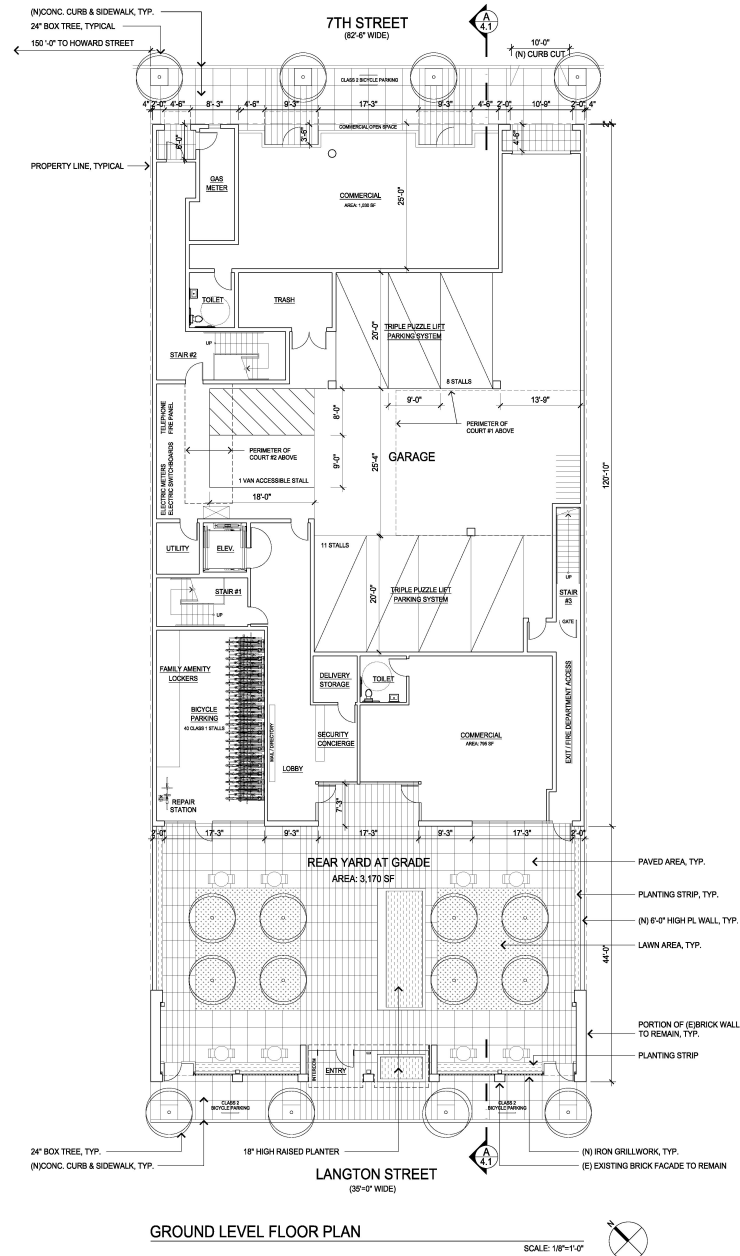
Figure 2. Site Plan



Comments: Not to Scale  
Source: Gary Gee, May 9, 2017

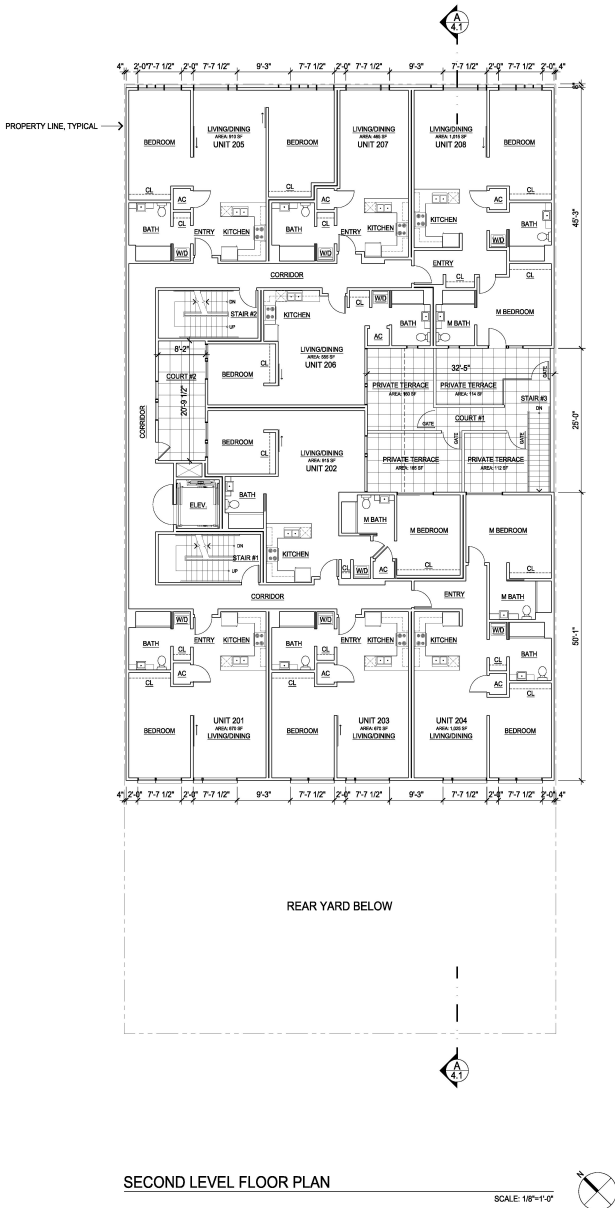


Figure 3. Ground Floor



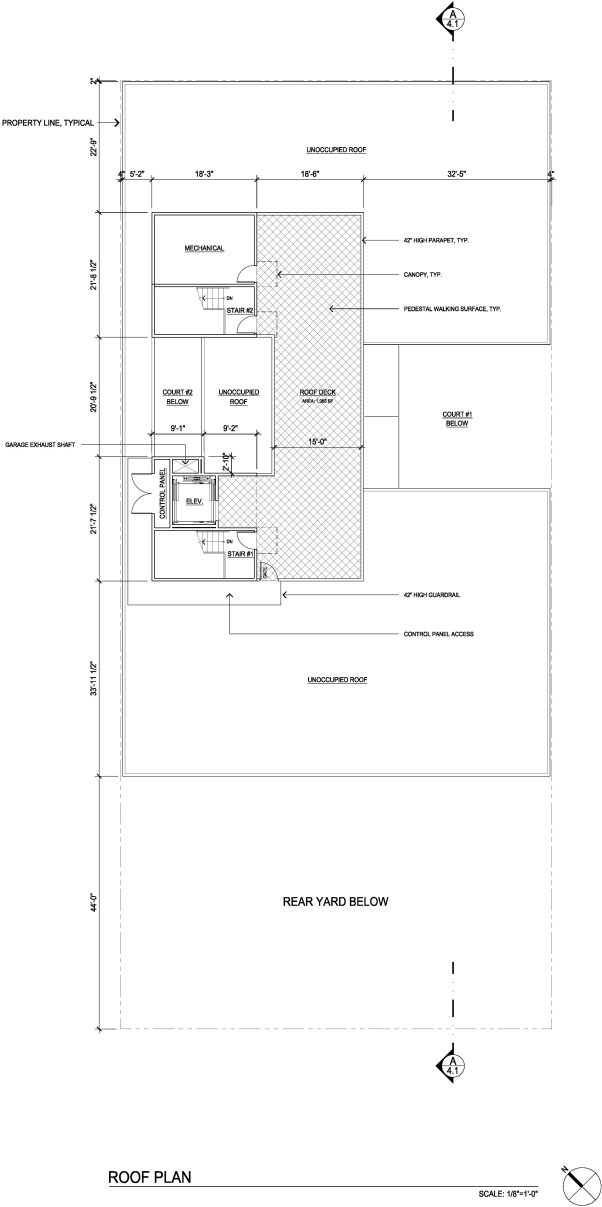
Comments: Not to Scale  
Source: Gary Gee, May 9, 2017

Figure 4. Upper Floor



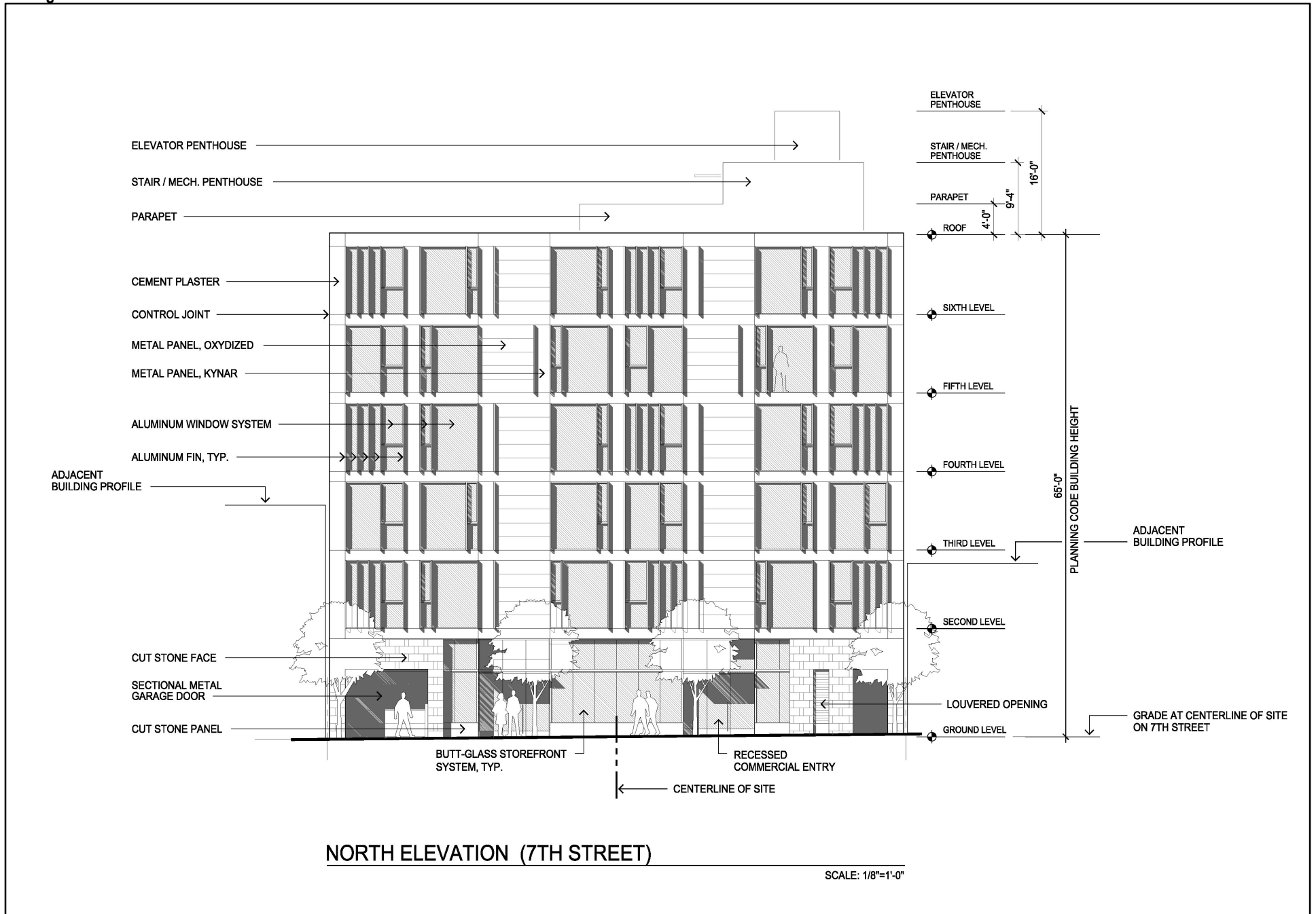
Comments: Not to Scale  
Source: Gary Gee, May 9, 2017

Figure 5. Roof Level



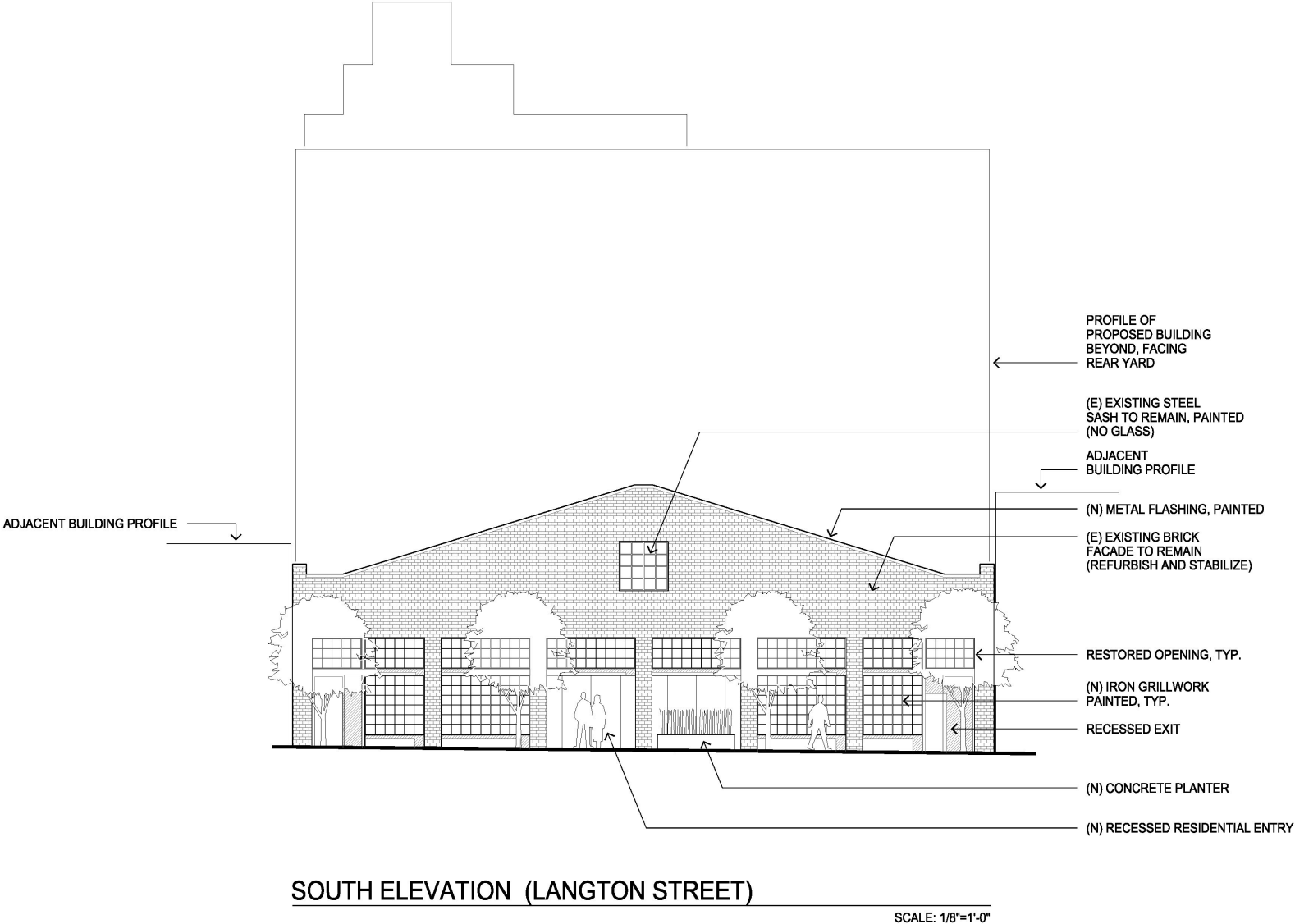
Comments: Not to Scale  
Source: Gary Gee, May 9, 2017

Figure 6. Elevation - 7th Street



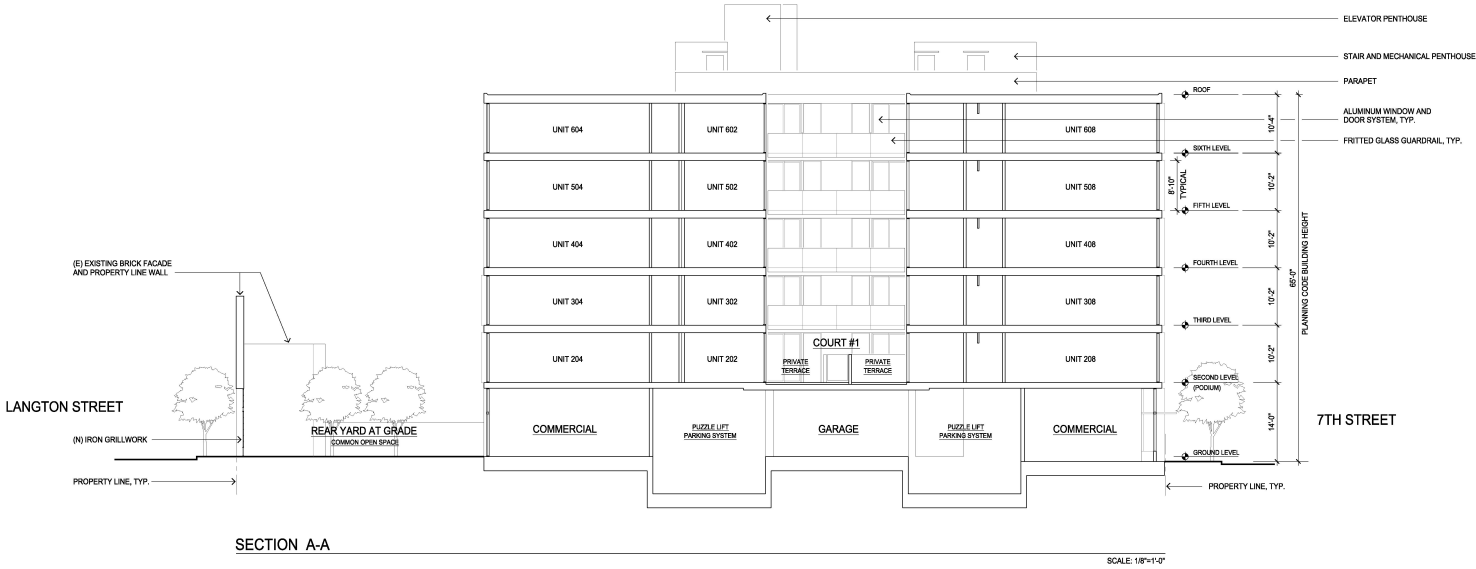
Comments: Not to Scale  
Source: Gary Gee, May 9, 2017

Figure 7. Elevation - Langton Street



Comments: Not to Scale  
Source: Gary Gee, May 9, 2017

Figure 8. Building Section



Comments: Not to Scale  
Source: Gary Gee, May 9, 2017



related to cultural and paleontological resources, transportation and circulation, noise, air quality, and shadow. Mitigation measures were identified for the above impacts—aside from shadow—and reduced said impacts to less-than-significant levels except for those related to cultural and paleontological resources (cumulative impacts from demolition of historic resources), transportation (cumulative transit impacts on several Muni lines), noise (cumulative noise impacts), and air quality (program-level TACs and PM<sub>2.5</sub> pollutant impacts, program-level and cumulative criteria air pollutant impacts).

The proposed project involves the demolition of the existing industrial building and construction of a 65-foot-tall (81-foot-tall with elevator penthouse), six-story, mixed-use building approximately 44,720 square feet in size with 40 residential units, 2,010 square feet of ground-floor commercial space, and 20 off-street parking spaces. As discussed in this initial study, the proposed project would not result in new significant environmental effects or effects of greater severity than were already analyzed and disclosed in the Western SoMa PEIR.

## CHANGES IN THE REGULATORY ENVIRONMENT

Since the certification of the Western SoMa PEIR in 2012, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the Western SoMa plan area. As discussed in each topic area referenced below, these policies, regulations, statutes, and funding measures have implemented or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include:

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.
- State legislation amending CEQA and San Francisco Planning Commission resolution replacing level of service (LOS) analysis of automobile delay with vehicle miles traveled (VMT) analysis, effective March 2016 (see “CEQA Section 21099” heading below).
- Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program (see initial study Transportation section).
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see initial study Air Quality section).
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see initial study Recreation section).
- Article 22A of the Health Code amendments effective August 2013 (see initial study Hazardous Materials section).

## Aesthetics and Parking

In accordance with CEQA Section 21099: Modernization of Transportation Analysis for Transit Oriented Projects, aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above criteria. Therefore, this initial study does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>3</sup> Project elevations are included in the project description (see Figure 6, 7<sup>th</sup> Street Elevation, and Figure 7, Langton Street Elevation).

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>1. LAND USE AND LAND USE PLANNING— Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR determined that adoption of the Western SoMa Community Plan would not result in a significant impact related to land use. The Western SoMa PEIR anticipated that future development under the Community Plan would result in more cohesive neighborhoods and would include more clearly defined residential, commercial, and industrial areas. No mitigation measures were identified in the PEIR.

As a result of the Western SoMa Community Plan, the project site was rezoned from SLR (Service/Light Industrial/Residential District) to Western SoMa Mixed Use-General (WMUG) district. The WMUG district is largely comprised of low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The WMUG is designed 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. Housing is encouraged over ground floor commercial and production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. The proposed residential and small-scale retail uses are consistent with this designation.

<sup>3</sup> San Francisco Planning Department, *Eligibility Checklist for CEQA Section 21099: Modernization of Transportation Analysis*, 230 7<sup>th</sup> Street, May 5, 2017. This document, and other cited documents, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014.0244E.

The Citywide Planning and Current Planning divisions of the Planning Department have determined that the proposed project is permitted in the WMUG zoning district and is consistent with the height, density, and land uses as specified in the Western SoMa Community Plan.<sup>4,5</sup>

The Western SoMa PEIR determined that implementation of the Area Plan would not create any new physical barriers in the Plan Area because the rezoning and Area Plan do not provide for any new major roadways, such as freeways, that would divide the project area or isolate individual neighborhoods within it.

For these reasons, implementation of the proposed project would not result in significant impacts related to land use and land use planning that were not identified in the Western SoMa PEIR.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. POPULATION AND HOUSING— Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

One of the objectives of the Western SoMa Community Plan is to identify appropriate locations for housing to meet the citywide demand for additional housing. The Western SoMa PEIR concluded that an increase in population in the Plan Area is expected to occur as a secondary effect of the proposed rezoning and that any population increase would not, in and of itself, result in adverse physical effects but would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City's Transit First policies. It was anticipated that the rezoning would result in an increase in both housing development and population throughout the Plan Area. The Western SoMa PEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

Implementation of the proposed project would result in 40 new residential units and approximately 2,010 square feet of retail use which would increase the number of residents and employees within the Western

<sup>4</sup> San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Citywide Planning Analysis*, 230 7<sup>th</sup> Street, October 27, 2015.

<sup>5</sup> San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Current Planning Analysis*, 230 7<sup>th</sup> Street, December 3, 2015.

SoMa area.<sup>6</sup> This amount of retail use is not anticipated to attract a substantial amount of new employees to San Francisco and it can be anticipated that most of the employees would live in San Francisco (or nearby communities). Therefore, the project would not generate substantial demand for new housing for the potential employees. These direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the Western SoMa Community Plan and are evaluated in the Western SoMa PEIR.

For these reasons, the proposed project would not result in significant impacts related to population and housing that were not identified in the Western SoMa PEIR.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Western SoMa PEIR identified significant and unavoidable impacts related to causing a substantial adverse change in the significance of a historic resource through demolition.

The below section relies substantially on a Historic Resource Evaluation (HRE) prepared for the proposed project, as well as the Planning Department's Preservation Team Review Form.<sup>7,8</sup>

The subject building at 230 7th Street is a two-story, brick-masonry building that was constructed in 1924 in a warehouse/industrial architectural survey. The project site is located within the Western SoMa Light Industrial and Residential Historic District (Western SoMa Historic District). As part of the adopted South of Market Historic Resource Survey, the project site was assigned a California Historic Resource Status

<sup>6</sup> Based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, six total employees are assumed for 2,010 square feet of retail space.

<sup>7</sup> Carey & Co. Inc., 230 7<sup>th</sup> Street, *Historic Resource Evaluation, Part 1 and Part 2*, March 26, 2015.

<sup>8</sup> San Francisco Planning Department, 230 7<sup>th</sup> Street, *Preservation Team Review Form*, May 3, 2017.

Code (CHRSC) of “3D,” which designates this property as “appears eligible for the National Register of Historic Places (NRHP) as a contributor to a NRHP eligible district through survey evaluation.”<sup>9</sup> The 230 7th Street building is not individually eligible for listing in the California Register of Historic Places.

The Western SoMa Historic District developed between 1906 and 1936, and contributing resources are light industrial, residential and commercial properties. The district is significant as a representative of a noteworthy trend in development patterns and the establishment of ethnic groups in San Francisco. The district is also significant as a representation of a group of properties that embody the distinctive characteristics of a type, period, or method of construction and as a representation of a significant and distinguishable entity whose components may lack individual distinction.

The Western SoMa Historic District was destroyed in 1906 and rebuilt in two major building booms (1906-1911 and 1920-1925) and many buildings were designed by a limited number of architects which resulted in a uniform building stock. The majority of the buildings are two-to-five story, reinforced concrete loft structures with multi-light steel industrial windows and minimal ornamentation. Light industrial buildings in the historic district are characterized by loft spaces that are used for light manufacturing, warehousing and wholesale distribution, and automotive repair. During the first building boom, light industrial buildings were often constructed of brick masonry, while buildings from the second boom were often two- or three-story concrete loft structures. The historic district originally possessed 721 resources, of which 478 resources contribute to the district’s historic character.

The proposed project would not materially impair the identified Western SoMa Historic District and thus would not cause a significant impact to the historic resource. The proposed project conforms to the *Secretary of the Interior’s Standards for Rehabilitation* in relation to new construction within a historic district boundary for the following reasons. The new construction would have a 44-foot setback from the Langton Street elevation. This deep setback would allow the new construction to be generally invisible from Langton Street. The historic portion of the building to be retained and rehabilitated includes the primary façade along Langton Street as well as 44 feet of the return walls for the northwest and southwest elevations. The openings of the portion of the historic Langton Street façade would be repaired and the non-historic brick concrete masonry infill would be removed. The existing openings would be rehabilitated and would feature new painted iron grillwork that would reflect the historic muntin pattern of the existing steel windows. The mortar and brick would be repaired and repointed as necessary along the Langton Street façade and along the return walls of the secondary elevations. The design of the new elevation along the Langton Street façade would feature a regular pattern of aluminum windows and metal panels. In addition, the location of the existing roof and roof monitor will be “ghosted” onto this elevation through the use of a darker material. This would allow the historic location of the industrial roof that would be removed to be interpreted in some way. The 7th Street façade would maintain compatibility with the materials of the industrial contributing buildings within the historic district and would feature a regular pattern of punched openings with aluminum frame windows. The ground-floor elevation, which contains a commercial space, would feature a regular rhythm of storefront windows with a solid bulkhead at the base and a transom window at the ceiling, along with two paired recessed storefront entries.

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<sup>9</sup> The South of Market Area Historic Resource Survey is available online at: <http://www.sf-planning.org/index.aspx?page=2530>, accessed May 8, 2017.

Since removal of the 230 7<sup>th</sup> Street building would not result in a substantial adverse change in the significance of the historic district, PEIR Mitigation Measures M-CP-1a: Documentation of a Historical Resource, M-CP-1b: Oral Histories, and M-CP-1c: Interpretive Program do not apply to the proposed project.

Immediately west of the project site is the 244 7<sup>th</sup> Street building (constructed in 1922) and the 7 Langton Street building (constructed in 1915). As part of the adopted South of Market Historic Resource Survey, both of these properties were assigned a CHRSC of “3D,” which designates a property as “appears eligible for the NRHP as a contributor to a NRHP eligible district through survey evaluation.”<sup>10</sup> Therefore, Western SoMa PEIR Mitigation Measures M-CP-7a: Protect Historical Resources from Adjacent Construction Activities and M-CP-7b: Construction Monitoring Program for Historical Resources would apply to the proposed project. The project sponsor has agreed to implement Mitigation Measures M-CP-7a and M-CP-7b as Project Mitigation Measures 1 and 2, respectively.<sup>11</sup> Compliance with these mitigation measures would result in less-than-significant impacts on off-site historical resources.

For these reasons, the proposed project would not result in significant project-level or cumulative impacts on historic architectural resources that were not identified in the Western SoMa PEIR.

### **Archeological Resources**

The Western SoMa PEIR determined that implementation of the community plan could result in significant impacts on archeological resources and identified two mitigation measures that would reduce these potential impacts to a less than-significant-level. Western SoMa PEIR Mitigation Measure M-CP-4a: Project-Specific Preliminary Archeological Assessment and M-CP-4b: Procedures for Accidental Discovery of Archeological Resources apply to projects involving any soils-disturbing or soils-improving activities including excavation to a depth of 5 or more feet below grade. The proposed project at 230 7<sup>th</sup> Street would involve up to 8 feet of excavation below ground surface and approximately 800 cubic yards of soil disturbance. Therefore, Mitigation Measure M-CP-4a applies to the project.

As part of project implementation of Mitigation Measure M-CP-4a, the Planning Department’s archeologists conducted a preliminary archeology review for the proposed project, which determined that the proposed project has the potential to adversely affect CEQA-significant archeological resources. Therefore, in accordance with Mitigation Measure M-CP-4a, the project sponsor would be required to prepare an archeological testing program to more definitively identify the potential for California register-eligible archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level.<sup>12</sup> The project sponsor has agreed to implement the requirements of the Planning Department’s third standard archeological mitigation measure (Archeological Testing), as Project Mitigation Measure 3.

### **Paleontological Resources**

The Western SoMa PEIR determined that implementation of the plan would have low potential to uncover unique or significant fossils as geological materials that would be disturbed by construction excavations in the plan area would have little to no likelihood of containing unique or significant fossils. Therefore, the PEIR found less-than-significant impacts on paleontological resources.

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<sup>10</sup> Ibid.

<sup>11</sup> The full text of project mitigation measures is provided in the “Mitigation Measures” section below.

<sup>12</sup> Randall Dean, Staff Archeologist, San Francisco Planning Department. Archeological Review Log.



The proposed project would involve excavation of approximately 8 feet below ground surface, and the project site is anticipated to be underlain by 10 feet of fill consisting of primarily loose to dense sand and gravel with building debris.<sup>13</sup> Therefore, the project site has low sensitivity for unique paleontological resources.

For the reasons above, the proposed project would not result in either project-level or cumulative significant impacts on cultural and paleontological resources that were not identified in the Western SoMa PEIR.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>4. TRANSPORTATION AND CIRCULATION— Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, topic 4c is not applicable to the proposed project.

The Western SoMa PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, emergency access, or construction. Transportation system improvements included as part of the Western SoMa Community Plan were identified to have

<sup>13</sup> LAGAN, *Revised Preliminary Geotechnical Report, 230-234 7<sup>th</sup> Street*, San Francisco, California, March 16, 2017.

significant impacts related to loading, but the impacts were reduced to less-than-significant levels with mitigation.

The Western SoMa PEIR anticipated that adoption of the Western SoMa Community Plan could result in significant impacts on transit and loading, and identified two transportation mitigation measures. One mitigation measure reduced loading impacts to less-than-significant levels. Even with mitigation, however, it was anticipated that the significant cumulative impacts on transit lines could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable.

### **Vehicle Miles Traveled (VMT) Analysis**

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones. Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.<sup>14,15</sup>

The proposed project would have a significant effect on the environment if it would cause substantial additional VMT. State Office of Planning and Research's (OPR) *Revised Proposal on Updates to the CEQA*

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<sup>14</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>15</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

*Guidelines on Evaluating Transportation Impacts in CEQA* (“Proposed Transportation Impact Guidelines”) recommend screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within a transportation analysis zone (TAZ) that exhibits low levels of VMT; Small Projects are projects that would generate fewer than 100 vehicle trips per day; and the Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

For residential development, the existing regional average daily VMT per capita is 17.2.<sup>16</sup> For retail development, regional average daily work-related VMT per employee is 14.9. Average daily VMT for both land uses is projected to decrease in future 2040 cumulative conditions. Refer to Table 1: Daily Vehicle Miles Traveled, which includes the transportation analysis zone in which the project site is located, 626.

**Table 1: Daily Vehicle Miles Traveled**

Land Use	Existing			Cumulative 2040		
	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 626	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 626
Households (Residential)	17.2	14.6	2.0	16.1	13.7	1.7
Employment (Retail)	14.9	12.6	8.6	14.6	12.4	8.4

As shown in Table 1, the proposed project’s residential and retail uses would be located in a TAZ where existing VMT for residential and retail uses are more than 15 percent below regional averages.<sup>17</sup> The existing average daily VMT per capita is 2.0, which is 88 percent below the existing regional average daily VMT per capita of 17.2. Future 2040 average daily VMT per capita is 1.7, which is 89 percent below the future 2040 regional average daily VMT per capita of 16.1. The existing average daily VMT per retail employee is 8.6, which is 42 percent below the existing regional average daily VMT per retail employee of 14.9. Future 2040 average daily VMT per retail employee is 8.4, which is 42 percent below the future 2040 regional average daily work-related VMT per retail employee of 14.6.

Given that the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project’s residential and retail uses would not result in substantial additional VMT. Therefore, the proposed project would not result in a significant impact related to VMT.

<sup>16</sup> Includes the VMT generated by the households in the development.

<sup>17</sup> San Francisco Planning Department, *Eligibility Checklist*: CEQA Section 21099 – Modernization of Transportation Analysis for 230 7th Street, May 5, 2017.

The project site also meets the Proximity to Transit Stations screening criterion, which also indicates that the proposed project's residential and retail uses would not cause substantial additional VMT.<sup>18</sup>

### Induced Automobile Travel Analysis

A proposed project would have a significant effect on the environment if it would substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network. The OPR's Proposed Transportation Impact Guidelines includes a list of transportation project types that would not likely lead to a substantial or measureable increase in VMT. If a project fits within the general types of projects (including combinations of types), then it is presumed that VMT impacts would be less than significant, and a detailed VMT analysis is not required.

The proposed project is not a transportation project. However, the proposed project would include features that would alter the transportation network. The four existing curb cuts (two on 7<sup>th</sup> Street and two on Langton Street) would be removed and standard sidewalk and curb dimensions restored. The project would create a new 10-foot-wide curb cut on 7<sup>th</sup> Street for access to the ground-level parking garage. Additionally, four Class 2 bicycle spaces would be located on the sidewalk in front of the project site (two on 7<sup>th</sup> Street and two on Langton Street). These features fit within the general types of projects that would not substantially induce automobile travel, and the impacts would be less than significant.<sup>19</sup>

### Trip Generation

The project sponsor proposes the demolition of the existing industrial building and construction of a six-story, mixed-use building approximately 44,720 square feet in size with 40 residential units, 2,010 square feet of ground-floor commercial space, and 20 off-street parking spaces. The project would provide 40 Class I bicycle spaces at the ground-floor level and four Class 2 bicycle spaces on the sidewalk in front of the project site (two on 7<sup>th</sup> Street and two on Langton Street).

Trip generation of the proposed project was calculated using a trip-based analysis and information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>20</sup> The proposed project would generate an estimated 642 person trips (inbound and outbound) on a weekday daily basis, consisting of 213 person trips by auto (136 vehicle trips accounting for vehicle occupancy data for this Census Tract), 128 transit trips, 218 walk trips and 83 trips by other modes.<sup>21</sup> During the p.m. peak hour, the proposed project would generate an estimated 86 person trips, consisting of 28 person trips by auto (20 vehicle trips accounting for vehicle occupancy data), 18 transit trips, 29 walk trips and 11 trips by other modes.

### Transit

The project site is well served by public transportation. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following bus lines: 8, 8AX, 8BX, 12, 14, 14R, 14X, 19, 27, 47, and 83X. The closest bus stop, which serves the 19 bus line, is approximately 160 feet north of

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> San Francisco Planning Department, *Transportation Calculations for 230 7<sup>th</sup> Street*, April 6, 2017.

<sup>21</sup> Trip credit was not given for the trips generated by the existing use on the project site.

the project site at the intersection of Howard and 7<sup>th</sup> streets. In addition, there is a bus stop approximately 380 feet south of the project site at the intersection of Folsom and 7<sup>th</sup> streets that serves the 12 bus line.

According to the *Western SoMa Community Plan Transportation Impact Study*, all of the transit lines serving the Plan Area at the time of the study were currently operating well-below Muni's capacity utilization (the number of passengers on board a transit vehicle relative to the total capacity) of 85 percent.<sup>22</sup> The proposed project would generate a total of 128 daily transit trips and 18 p.m. peak-hour transit trips, which would be distributed among the multiple transit lines serving the project vicinity. These 128 daily and 18 p.m. peak-hour transit trips represent a minor contribution to overall transit demand in the plan area that would be accommodated by existing transit capacity. The proposed project would not result in unacceptable levels of transit service or cause an increase in transit service delays or operating costs.

For these reasons, the proposed project would not result in significant impacts related to transit that were not identified in the Western SoMa PEIR.

### **Bicycle**

In the project vicinity, there are bicycle lanes along 7<sup>th</sup>, Folsom, and Howard streets. As stated above, the proposed project would generate an estimated 11 p.m. peak hour trips by "other" modes, which includes bike trips. These new bicycle trips from the proposed project would be sufficiently accommodated within these facilities and would not interfere with bicycle accessibility to the site and adjoining area. The proposed project would not create potentially hazardous conditions for bicyclists as the bicycle lane that runs along 7<sup>th</sup> Street is located on the opposite side of the project site. Therefore, the proposed project would have a less-than-significant impact on bicyclists.

### **Pedestrians**

The PEIR acknowledged that the Western SoMa is in an area of San Francisco with one of the highest concentrations of pedestrian injuries and deaths. Pedestrian volumes within the Plan area are low to moderate, with higher pedestrian volumes along portions of Townsend, Brannan, and Bryant Streets, and near the Caltrain terminal at Fourth and King Streets. The PEIR identified a number of transportation system improvements that are near the vicinity of the project site which include the following: Posting of "truck route" signs on Ninth, Tenth, Harrison, and Bryant Streets; installation of new signalized mid-block pedestrian crossings at Eighth and Natoma Streets; installation of streetscape and traffic calming improvements on Minna, Natoma, and Ringold Streets; installation of sidewalk extensions/bulb-outs on Folsom Street between Fourth Street and 13<sup>th</sup> Street; and installation of gateway treatments at and in the vicinity of freeway off-ramps.

The PEIR states that new pedestrian trips generated by development under the community plan would be accommodated on the existing sidewalks and would not substantially affect pedestrian operation on nearby sidewalks and crosswalks. While the frequency of conflict between pedestrians and vehicles could likely increase as traffic volumes increase along with increases in pedestrian exposure associated with residential and non-residential development, implementation of the plan would not be expected to have a significant impact on existing pedestrian conditions because neither vehicle traffic volumes nor

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<sup>22</sup> LCW Consulting, Western SoMa Community Plan Transportation Impact Study, Table 4, June 2012.

pedestrian activity would increase to such a degree that a substantial increase in conflicts would be anticipated. Therefore, the PEIR found impacts on pedestrians to be less than significant.

The proposed project would generate approximately 47 pedestrian trips (29 walking trips and 18 trips to/from nearby transit stops) during the typical p.m. peak hour. The new pedestrian trips could be accommodated on existing sidewalks and crosswalks adjacent to the project site and would not substantially overcrowd the sidewalk along 7<sup>th</sup> Street or Langton Street, which are approximately 10 feet and 7 feet wide, respectively. Implementation of the proposed project would improve pedestrian circulation by reducing the number of curb cuts and parking spaces at the project site.<sup>23,24</sup> The proposed project would not create potentially hazardous conditions for pedestrian or otherwise substantially interfere with pedestrian accessibility to the site and adjacent areas. In addition, the project site was not identified as being in a high-injury corridor as defined by Vision Zero, which is the City's adopted road safety policy that aims for zero traffic deaths in San Francisco by 2024.<sup>25</sup>

For the above reasons, the proposed project would not result in significant project-level or cumulative pedestrian impacts that were not identified in the Western SoMa PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>5. NOISE—Would the project:</b>				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>23</sup> The four existing curb cuts (two on 7th Street and two on Langton Street) would be removed and standard sidewalk and curb dimensions restored. The project would create a new 10-foot-wide curb cut on 7th Street for access to the ground-level parking garage.

<sup>24</sup> There are approximately 75 existing parking spaces in the existing building and the proposed project would include 20 off-street parking spaces.

<sup>25</sup> Vision Zero High Injury Network map, accessed on May 8, 2017, is available online at:

<http://sfgov.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=335c508503374f5d94c95cb2a1f3f4f4>.



<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noise-generating uses such as PDR, retail, entertainment, office, and cultural/institutional/educational uses. In addition, the Western SoMa PEIR noted that implementation of the *Western SoMa Community Plan* would incrementally increase traffic-generated noise on some streets in the plan area and would result in construction noise impacts from pile driving and other construction activities. The Western SoMa PEIR identified six noise mitigation measures that would reduce noise impacts to less-than-significant levels; three of these mitigation measures may be applicable to subsequent development projects.<sup>26</sup>

PEIR Mitigation Measure M-NO-1c addresses impacts related to individual development projects containing land uses that could generate noise that exceeds ambient noise levels in their respective vicinities. The project site is located in an urbanized area with ambient noise levels typical of those in San Francisco neighborhoods. The existing traffic noise levels on 7<sup>th</sup> Street is above 70 dBA (Ldn).<sup>27,28,29</sup> The proposed project includes residential and retail uses. Since the project does not include noise-generating uses, PEIR Mitigation Measure M-NO-1c is not applicable.

The proposed project would be subject to the following interior noise standards, which are described for informational purposes. The California Building Standards Code (Title 24) establishes uniform noise insulation standards. The Title 24 acoustical requirement for residential structures is incorporated into

<sup>26</sup> Western SoMa PEIR Mitigation Measures M-NO-1a, M-NO-1b, and M-NO-1d address the siting of sensitive land uses in noisy environments. In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards (*California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478. Available at: <http://www.courts.ca.gov/opinions/documents/S213478.PDF>). As noted above, the Western SoMa PEIR determined that incremental increases in traffic-related noise attributable to implementation of the *Western SoMa Community Plan* would be less than significant and thus would not exacerbate the existing noise environment. Therefore, Western SoMa PEIR Mitigation Measures M-NO-1a, M-NO-1b, and M-NO-1d are not applicable. Nonetheless, for all noise-sensitive uses, the general requirements for adequate interior noise levels of Mitigation Measures M-NO-1a and M-NO-1b would be met by compliance with the acoustical standards set forth in the California Building Standards Code (Title 24 of the California Code of Regulations).

<sup>27</sup> San Francisco General Plan. *Environmental Protection Element, Map 1, Background Noise Levels – 2009*. Available online at: [http://generalplan.sfplanning.org/images/16.environmental/ENV\\_Map1\\_Background\\_Noise%20Levels.pdf](http://generalplan.sfplanning.org/images/16.environmental/ENV_Map1_Background_Noise%20Levels.pdf). Accessed on May 10, 2017.

<sup>28</sup> The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

<sup>29</sup> The DNL or Ldn is the Leq, or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period with a 10 dB penalty applied to noise levels between 10:00 p.m. to 7:00 a.m. Leq is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

section 1207 of the San Francisco Building Code and requires these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. Title 24 allows the project sponsor to choose between a prescriptive or performance-based acoustical requirement for non-residential uses. Both compliance methods require wall, floor/ceiling, and window assemblies to meet certain sound transmission class or outdoor-indoor sound transmission class ratings to ensure that adequate interior noise standards are achieved. In compliance with Title 24, DBI would review the final building plans to ensure that the building wall, floor/ceiling, and window assemblies meet Title 24 acoustical requirements. If determined necessary by DBI, a detailed acoustical analysis of the exterior wall and window assemblies may be required.

PEIR Mitigation Measures M-NO-2a: General Construction Noise Control Measures and M-NO-2b: Noise Control Measures During Pile Driving require implementation of noise controls during construction in order to reduce construction-related noise impacts. The proposed project consists of the demolition of the existing building and the construction of a new six-story building, which would generate construction noise. Therefore, PEIR Mitigation Measure M-NO-2a (Project Mitigation Measure 4) is applicable to the proposed project. The proposed building would be supported by a mat foundation on improved soils and impact pile driving is not required. Since the building foundation would avoid vibration effects typically generated by pile-driving activities, PEIR Mitigation Measure M-NO-2b is not applicable to the proposed project.

In addition, all construction activities for the proposed project, which would occur over the course of approximately 16 months, are subject to the San Francisco Noise Ordinance. 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 ( $L_{dn}$ )<sup>30,31</sup> 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 San Francisco Public Works (SFPW) or the Director of DBI to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise level by 5 dBA at the project site's property line, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of SFPW authorizes a special permit for conducting the work during that period.

The 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.), and the police department is responsible for enforcing the noise ordinance during all other hours. Nonetheless, during the approximately 16-month construction period for the proposed project, occupants of nearby properties could be disturbed by construction noise. There may be times when construction noise could interfere with indoor activities in residences and businesses near the project site and be perceived as an annoyance by the occupants of nearby properties. The increase in project-related construction noise in the project vicinity would not be considered a significant impact of the proposed project, because the construction noise would be temporary (approximately

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<sup>30</sup> The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

<sup>31</sup> The  $L_{dn}$  is the  $L_{eq}$ , or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period, obtained after the addition of 10 dB to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.). The  $L_{eq}$  is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

16 months), intermittent, and restricted in occurrence and level, as the contractor is subject to and would comply with the noise ordinance. Compliance with the noise ordinance and Project Mitigation Measure 4 would reduce any construction-related noise effects on nearby residences to the greatest extent feasible.

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, topics 5e and 5f are not applicable to the proposed project.

For these reasons, the proposed project would not result in significant noise impacts that were not identified in the Western SoMa PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>6. AIR QUALITY—Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR identified significant and unavoidable impacts related to violation of an air quality standard, uses that emit diesel particulate matter (DPM), and construction emissions. The Western SoMa PEIR identified five mitigation measures that would help reduce air quality impacts; however, they would not be able to reduce these impacts to a less-than-significant level.

### Construction Dust Control

To reduce construction dust impacts, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and avoid orders to stop work by DBI. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. The proposed project would disturb less than a half of an acre. Therefore, a dust control plan per the Dust Control Ordinance is not required. However, in compliance with the Construction Dust Control

Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping, and other measures. Compliance with the regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant.

### **Criteria Air Pollutants**

The Bay Area Air Quality Management District's (BAAQMD) *CEQA Air Quality Guidelines* (Air Quality Guidelines)<sup>32</sup> provide screening criteria for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. The proposed mixed-use development involves the construction of 40 dwelling units and 2,010 square feet of retail space, which would meet the Air Quality Guidelines criteria air pollutant screening levels for operation and construction.<sup>33</sup> Since construction of the proposed project would generate criteria air pollutant emissions below applicable thresholds, PEIR Mitigation Measures M-AQ-6: Construction Emissions Minimization Plan for Criteria Air Pollutants would not apply to the proposed project. The project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

Mitigation Measure M-AQ-2: Transportation Demand Management Strategies for Future Development Projects is required for projects generating more than 3,500 vehicle trips resulting in excessive criteria pollutant emissions. The proposed project would generate approximately 136 daily vehicle trips. Therefore, Mitigation Measure M-AQ-2 would not apply to the proposed project.

### **Health Risk**

Subsequent to certification of the Western SoMa PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes (Ordinance No. 224-14, effective December 8, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The project site is within an APEZ. The APEZ, as defined in Article 38, consists of areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration and cumulative excess cancer risk. The APEZ incorporates health vulnerability factors and proximity to freeways. Projects within the APEZ, such as the proposed project, require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

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<sup>32</sup> Bay Area Air Quality Management District. *CEQA Air Quality Guidelines*, 2017.

<sup>33</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, 2017. Criteria air pollutant screening sizes for an Apartment, Low-Rise Building is 451 dwelling units for operational and 240 dwelling units for construction. Criteria air pollutant screening sizes for a Regional Shopping Center is 99,000 square feet for operational and 277,000 square feet for construction.

### *Construction*

PEIR M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards require projects to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. For projects with construction activities located in an APEZ, compliance with Mitigation Measure M-AQ-7 would require submittal of a Construction Emissions Minimization Plan to the Environmental Review Officer for review and approval. Construction activities from the proposed project would result in DPM and other TACs from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Construction would last approximately 16 months, and diesel-generating equipment would be required for the duration of the proposed project's construction phase. Since the project site is located within an identified APEZ, Mitigation Measure M-AQ-7 (Project Mitigation Measure 5) would apply to the proposed project. Project Mitigation Measure 5 would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.<sup>34</sup> Compliance with this mitigation measure would result in less-than-significant health risk impacts from project-related construction vehicles and equipment.

### *Siting New Sources*

Mitigation Measure M-AQ-4: Siting of Uses that Emit PM<sub>2.5</sub> or DPM and Other TACs involves the siting of commercial, industrial, or other uses that emit TACs as part of everyday operations. The proposed project includes the construction of a six-story mixed-use building with 40 residential units and 2,010 square feet of retail space. The project would not generate more than 10,000 vehicle trips per day, 1,000 truck trips per day, or include a new stationary source, such as a diesel emergency generator, that would emit TACs as part of everyday operations. Therefore, Mitigation Measure M-AQ-4 is not applicable to the proposed project, and project operations would not result in significant health risk impacts.

For the above reasons, the proposed project would not result in significant impacts on air quality that were not identified in the Western SoMa PEIR.

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<sup>34</sup> PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>7. GREENHOUSE GAS EMISSIONS—Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines and methodologies for analyzing greenhouse gas (GHG) emissions. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5, which address the analysis and determination of significant impacts from a proposed project's GHG emissions and allow for projects that are consistent with a GHG reduction strategy to conclude that the project's GHG impact is less than significant. San Francisco's *Strategies to Address Greenhouse Gas Emissions*<sup>35</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>36</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD's *Bay Area 2017 Clean Air Plan*, Executive Order S-3-05, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>37,38</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05,<sup>39</sup> B-30-15,<sup>40,41</sup> and Senate Bill (SB) 32.<sup>42,43</sup> Therefore, projects that are consistent with San Francisco's

<sup>35</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at [http://sfmea.sfplanning.org/GHG\\_Reduction\\_Strategy.pdf](http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf), accessed March 3, 2016.

<sup>36</sup> ICF International, Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco, January 21, 2015.

<sup>37</sup> California Legislative Information, Assembly Bill 32, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

<sup>38</sup> Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2017 Clean Air Plan* set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>39</sup> Executive Order S-3-05, sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

<sup>40</sup> Office of the Governor, Executive Order B-30-15, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15 sets a State GHG emissions reduction goal of 40 percent below 1990 levels by the year 2030.

<sup>41</sup> San Francisco's GHG Reduction Goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

<sup>42</sup> Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding Section 38566, which directs that statewide greenhouse gas emissions to be reduced by 40 percent below 1990 levels by 2030.

<sup>43</sup> Senate Bill 32 was paired with Assembly Bill 197, which would modify the structure of the State Air Resources Board; institute requirements for the disclosure of greenhouse gas emissions criteria pollutants, and toxic air



GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The Western SoMa PEIR determined that the goals and policies of the area plan were consistent with San Francisco's GHG reduction strategy and that implementation of the area plan policies would ensure that subsequent development would be consistent with GHG plans and would result in less-than-significant impacts with respect to GHG emissions.

The proposed project would increase the intensity of use by introducing residential uses (40 residential units) to the project site with 2,010 square feet of retail space. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and retail operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's Transportation Sustainability Fee, and bicycle parking requirements would reduce the proposed project's transportation-related GHG emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code and Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency and reduce the proposed project's energy-related GHG emissions.<sup>44</sup>

The proposed project's waste-related GHG emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>45</sup> and reducing the energy required to produce new materials.

Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-

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contaminants; and establish requirements for the review and adoption of rules, regulations, and measures for the reduction of greenhouse gas emissions.

<sup>44</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>45</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

emitting finishes would reduce volatile organic compounds (VOCs).<sup>46</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>47</sup>

Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions.

Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. For these reasons, the proposed project would not result in significant impacts beyond those identified in the Western SoMa PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>8. WIND AND SHADOW—Would the project:</b>				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Wind

The Western SoMa PEIR determined that implementation of the Western SoMa Community Plan would have a potentially significant impact related to the alteration of wind in a manner that would substantially affect public areas. However, the PEIR determined that this impact could be reduced to a less-than-significant level with implementation of Mitigation Measure M-WS-1: Screening-Level Wind Analysis and Wind Testing, which would require a wind analysis for any new structures within the Community Plan area that have a proposed height of 80 feet or taller.

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally the case that projects less than 80 feet in height would not have the potential to generate significant wind impacts. The proposed 65-foot-tall (81-foot-tall including the elevator penthouse), six-story building would be four stories (approximately 40 feet) taller than the immediately adjacent two-story buildings but similar in height to the existing five-story buildings nearby. Therefore, the proposed project would not contribute to the significant wind impact identified in the Western SoMa PEIR, and Mitigation Measure M-WS-1 is not applicable.

<sup>46</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>47</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 230 7<sup>th</sup> Street*, May 8, 2017.

For the above reasons, the proposed project is not anticipated to cause significant project-level or cumulative pedestrian wind impacts that were not identified in the Western SoMa PEIR.

### Shadow

Planning Code section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The Western SoMa PEIR determined that implementation of the Western SoMa Community Plan would have a significant and unavoidable impact related to the creation of new shadows in a manner that would substantially affect outdoor recreation facilities or other public areas, including the Howard & Langton Mini Park Community Garden (Howard-Langton Mini Park). No mitigation measures were identified in the PEIR.

The Western SoMa Community Plan increased the height limit on parcels east and west of the Howard-Langton Mini Park by 5 feet (from 50 feet to 55 feet) while parcels along Seventh Street were increased by 15 feet (from 50 feet to 65 feet). The PEIR concluded that these changes would permit development that could substantially increase shadow on the Howard-Langton Mini Park, but would maintain substantial mid-day sunlight. Additional shading on the park from structures on Seventh Street would occur during summer morning hours, when shadows would extend in a southwesterly direction over the park. The PEIR noted that the enjoyment of the park would likely not be substantially or adversely affected by any modest new shading that could occur, as the park would not be affected by new shading most times of the day or times of the year. However, as stated above, the PEIR found this impact to be significant and unavoidable.

The Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast new shadow on nearby parks. The shadow fan analysis found that the project would cast new shadow on the Howard-Langton Mini Park.<sup>48</sup> Therefore, a more refined project-specific analysis was conducted for the proposed project to determine the project's shadow impact on the Howard-Langton Mini Park, and this analysis is summarized below.<sup>49</sup>

The Howard-Langton Mini Park is 0.23 acres (10,218 square feet) in size and is located at Howard and Langton streets, on the south side of Howard Street between Seventh and Eighth streets, approximately 43 feet west of the project site. This park includes a community garden with benches and tables and is bordered by a metal slatted fence. The park is locked and gated, and access is available only to persons with an assigned garden plot.<sup>50</sup> The park includes approximately 40 plots, and there is a waiting list of approximately 60 people for a plot. Members can grow produce and ornamental plants for personal use.

Dense lush flowering and edible fruits are prevalent throughout the site, mostly within boxed (raised) garden beds. The raised beds are roughly distributed around the garden. Additional plantings are located

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<sup>48</sup> San Francisco Planning Department, *Shadow Fan – 230 7<sup>th</sup> Street*, April 17, 2014.

<sup>49</sup> ESA, *Shadow Analysis of Proposed 230 Seventh Street Project*, September 19, 2017.

<sup>50</sup> ESA visited Howard-Langton Mini Park on Friday, October 2, 2015, between 8:00 a.m. and 9:00 a.m., a time when new shadow from the proposed project would fall on the park. The garden was locked upon arrival. One garden member arrived approximately 8:35 a.m., and this was the only person present during our site visit. ESA also visited the site on Thursday, July 13, Thursday, July 20, and Tuesday, July 25, 2017, between approximately 9:00 a.m. and 9:30 a.m. No more than one person was present at the garden on any of these site visits. ESA was granted entry to the park again during the visit on July 25, 2017.

in smaller wooden planter boxes and half-barrels. Numerous tall garden plants and trees are along the perimeter of the site, blocking many clear views of the inside from the outside. Some of the plantings are supported by wood arbors. There are benches and portable seats scattered throughout the park, along with a wooden table and benches near the northwest corner. There is a large rectangular arbor covering benches, tables, and chairs in the center of the park's eastern edge along Langton Street. It appears that at least half of the site is dedicated to the gardened box plots, with the remainder given over to seating areas and walking paths, two of which are oriented generally north-south near the center of the park. At the rear (southwest corner) of the garden is a chicken coop and fenced enclosure. A toolshed is nearby, along the rear wall, and a potting bench sits a few feet farther towards the center of the park. Trash, compost, and recycling bins are stored near the southeast corner of the garden. In addition to planter beds connected by a series of dirt pathways, the garden includes seating areas (tables, chairs, benches) and a decorative (non-operational) fountain near the center. Three of the four corners of the park have light poles with two lights anchored on top.<sup>51</sup>

The Howard-Langton Mini Park is partially shaded throughout the day on the winter solstice by buildings to its south and west; maximum sunlight occurs around 11:00 a.m. when nearly half of the park is in sun. On the spring and fall equinoxes, two-thirds or more of the park is in sunlight between about 10:30 a.m. and 1:00 p.m.; until about 2:30 p.m., the buildings to the south casts partial shadow, while the buildings to the west shades the park beginning shortly after 11:00 a.m. On the summer solstice, the park is 95 percent shaded between 6:47 a.m. and 7:15 a.m., but is more than 75 percent sunny from about 9:00 a.m. until 3:00 p.m., and remains more than half in the sun until after 6:15p.m. It is fully shaded after 7:15 p.m. As noted above, use of the park is limited to those with garden plots.

The existing shadow load on the park is 48.86 percent of theoretical annual available sunlight, meaning that 48.86 percent of the sunlight that would otherwise fall on the mini park during the hours governed by section 295 is obscured by existing buildings. The calculations undertaken for the project shadow analysis indicate that net new shadow from the proposed project would eliminate approximately 1.53 percent of the available sunlight, and that new shadow would fall on the park in the early morning from mid-February through late October.

On the summer solstice (the day of maximum duration of project shadow), net new shadow would fall primarily on portions of the southern half of the park and would not extend into the northern third of the park. Net new shadow would fall on the park beginning at 6:47 a.m., covering the five percent of the park not in existing shadow. Project shadow would increase in coverage until 7:45 a.m., at which time project shadow would cover about one-fourth of the park. With existing shadow at this time, approximately 75 percent of the park would be shaded. Project shadow would decrease to 17 percent of the park (60 percent with existing shadow) by 8:00 a.m., to five percent of the park (35 percent with existing shadow) by 8:30 a.m., and to 0.3 percent (27 percent with existing shadow) by 8:45 a.m. Project shadow would completely leave the park shortly after 8:55 a.m., for a total duration of project shadow on some portion of the park for approximately two hours and ten minutes. Net new shadow would reach approximately half the garden plots, although none would be newly shaded for more than about one hour, and many locations would experience 45 minutes or less of new shadow. There would be no net new shadow on the southwestern most portion of the park, including the chicken coop, which is shaded under existing conditions until about 12:30 p.m.

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<sup>51</sup> The height of these lights are a few feet taller than the nearby street lights.

On the spring and fall equinoxes, net new shadow would fall on the northern and eastern portions of the park. Project shadow would fall on the seating area at the northwest corner of the park beginning at 7:57 a.m., covering the 24 percent of the park not in existing shadow. Project shadow would extend diagonally towards the center of the park, moving south and east, and falling on the area of the large arbor along the park's eastern edge. Project shadow would increase in coverage until 8:15 a.m., at which time project shadow would cover 29 percent of the park (94 percent with existing shadow). Project shadow would decrease to 19 percent of the park (74 percent with existing shadow) by 8:30 a.m., and to four percent of the park (55 percent with existing shadow) by 8:45 a.m., and would completely leave the park a few minutes later. The duration of project shadow on some portion of the park would be about one hour. An estimated one-third of the garden plots would be shaded by project shadow at some time on the spring and fall equinoxes, generally for no more than about 30 minutes. There would be no net new shadow on the winter solstice.

The maximum shadow coverage by the project at any given time would be approximately 4,042 square feet (40 percent of the park) at 8:00 a.m. on August 16 and April 26. At this time, project shadow would add to existing shadow (58 percent coverage of the park) to shade all but two percent of the park. Project shadow would decrease to 27 percent of the park (76 percent with existing shadow) at 8:15 a.m., to 15 percent of the park (56 percent with existing shadow) at 8:30 a.m., and to 5 percent of the park (42 percent with existing shadow) at 8:45 a.m., and would leave the park shortly thereafter. August 16 and April 26 would also be the days of greatest overall shadow coverage: on these days, project shadow would total approximately 3,336 square foot hours, which represents approximately 2.8 percent of the total available sunlight between 7:25 a.m. and 7:02 p.m. on those days.<sup>52</sup>

On August 16 and April 26, shadow would fall on the northwestern, central, and southeastern portions of the park. Shadow would first reach the park just before 7:30 a.m., initially reaching only the seating area at the northwestern corner of the park and increasing in coverage as existing shadows recede until, at 8:00 a.m., shadow would cover the park's northwest quadrant, the center of the park, including the decorative fountain, about half the garden plots, parts of the two north-south pathways, and a portion of the arbor and seating area along the park's eastern edge. After 8:00 a.m., shadow would withdraw from the park's northwest corner and would move south and east and diminish in coverage, with the maximum westerly extension reaching the north-south center line of the park about 8:20 a.m. By 8:35 a.m., project shadow would cover only approximately the southeastern 15 percent of the park (the southern half of the arbor and the area where trash bins are stored). Project shadow would leave the park by about 8:55 a.m.

### *Cumulative Impacts*

There are two nearby projects on file with the Planning Department that could add new shadow to the Howard-Langton Mini Park. These projects are both 65 feet in height and on the same block as the project site—at 65 Langton Street/262 Seventh Street (Case No. 2014.0334ENV) and at 280-282 Seventh Street (Case No. 2014.1469ENV). Additionally, a 65-foot-tall project is under construction on the project block, at 1140 Folsom Street/99 Rausch Street (Case No. 2013.0986). Cumulative shadow analysis performed for these three projects along with the proposed project determined that, of the three cumulative projects,

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<sup>52</sup> Calculation: 3,336 square foot hours divided by (11.6 hours of sunlight x park size of 10,218 square feet) = 2.8 percent.

only the project at 65 Langton Street/262 Seventh Street would add net new shadow to the park. This project would add an additional 0.09 percent of available sunlight to the project-only shadow coverage, for a total of 1.62 percent of available sunlight, compared to 1.53 percent by the project alone. This cumulative project would add a small amount of additional shadow to shadow that would be cast by the project, before 9:00 a.m. between mid-February and mid-March and from late September through late October. Between early November and early February, when the proposed project would not cast any new shadow on the park, the cumulative project at 65 Langton Street/262 Seventh Street would add a small amount of new shadow to the park, covering less than one-fifth of the park at most. This shadow would last less than 45 minutes daily and would leave the park by 8:30 a.m. at the latest. The maximum amount of new shadow cast by this cumulative project during this time would be about 1,810 square feet (18 percent of the park) at 7:37 a.m. on November 1 and February 8. The cumulative project at 65 Langton Street/262 Seventh Street would add no additional shadow between March 22 and September 20, including on the spring and fall equinoxes and the summer solstice.

### *Conclusion*

The proposed project would cast net new shadow on the Howard-Langton Mini Park in the morning hours between 6:47 a.m. and shortly before 9:00 a.m., from mid-February through late October. On the summer solstice (June 21), the park would be shaded by the proposed project beginning at 6:47 a.m., with the size of project shadow peaking at 7:45 a.m., and with project shadow leaving the park about 8:50 a.m. The maximum shadow from the project would occur on April 26 and August 16 at 8:00 a.m., when the project would cover 40 percent of the park. However, the park is not accessible to the public, as it is locked and available to members only. During the site visits, no more than one visitor was observed during the 8:00 to 9:30 a.m. time frame. Therefore, the new shadow that would be attributed to the project would not appear to substantially or adversely affect use of the park. The net new shadow could have an undetermined effect on the available sunlight for the garden plots. However, the amount of sunlight after 9:00 a.m. would not change, leaving the same amount of sunlight as under existing conditions for the great majority of the day. Therefore, the effects on garden plots from the proposed project would be minimal. The net new shadow on Howard-Langton Mini Park represents a considerable contribution to the significant and unavoidable cumulative shadow impact on the Howard-Langton Mini Park identified in the Western SoMa PEIR. However, this would not result in significant impacts that were previously not identified or more severe adverse impacts than those analyzed in the PEIR.<sup>53</sup>

The proposed project would also shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

In light of the above, the project would not result in significant project-level or cumulative shadow impacts beyond those identified in the Western SoMa PEIR.

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<sup>53</sup> 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 Howard-Langton Mini Park, under Section 295 of the Planning Code.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>9. RECREATION—Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR determined that implementation of the Western SoMa Community Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures were identified in the PEIR.

In November 2012, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond, providing the Recreation and Park Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. The amended ROSE includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies locations where proposed open space connections should be built, specifically streets appropriate for potential “living alleys.” In addition, the amended ROSE identifies the role of both the Better Streets Plan and the Green Connections Network in open space and recreation. Green Connections are streets and paths that connect people to parks, open spaces, and the waterfront while enhancing the ecology of the street environment. Two routes identified within the Green Connections Network cross the Western SoMa Community Plan Area: Tenderloin to Potrero (Route 18) and Folsom, Mission Creek to McLaren (Route 20).

As the proposed project would not degrade recreational facilities and is within the scope of development projected under the Western SoMa Community Plan, there would be no additional impacts on recreation beyond those analyzed in the Western SoMa PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The Western SoMa PEIR determined that the anticipated increase in population would not result in a significant impact on the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

As the proposed project is within the scope of development projected under the Western SoMa Community Plan, there would be no additional impacts on utilities and service systems beyond those analyzed in the Western SoMa PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>11. PUBLIC SERVICES—Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR determined that the anticipated increase in population would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.



Because the proposed project is within the scope of the development projected under the Western SoMa Community Plan, there would be no additional project-level or cumulative impacts on public services beyond those analyzed in the Western SoMa PEIR.

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

As discussed in the Western SoMa PEIR, the plan area is almost fully developed with buildings and other improvements such as streets and parking lots. Most of the plan area consists of structures that have been in industrial use for many years. As a result, landscaping and other vegetation is sparse, except for a few parks. Because future development projects under the Western SoMa Community Plan would largely consist of new construction in heavily built-out former industrial neighborhoods, loss of vegetation or disturbance of wildlife other than common urban species would be minimal. Therefore, the Western SoMa PEIR concluded that implementation of the Western SoMa Community Plan would not result in any significant effects related to riparian habitat, wetlands, movement of migratory species, local policies or ordinances protecting biological resources, or habitat conservation plans.

The Western SoMa PEIR determined that the Western SoMa Community Plan would result in significant but mitigable impacts on special-status birds and bats that may be nesting in trees or roosting in

buildings that are proposed for removal/demolition as part of an individual project. As identified in the PEIR, Mitigation Measures M-BI-1a: Pre-Construction Special-Status Bird Surveys and M-BI-1b: Pre-Construction Special-Status Bat Surveys would reduce these impacts to less-than-significant levels.

PEIR Mitigation Measure M-BI-1a requires that building permits issued for construction of projects within the plan area include conditions of approval requiring pre-construction special-status bird surveys when trees would be removed or buildings would be demolished as part of an individual project. Pre-construction special-status bird surveys shall be conducted by a qualified biologist between February 1 and August 15 if tree removal or building demolition is scheduled to take place during that period. The proposed project, which involves demolition of a building, is subject to PEIR Mitigation Measure M-BI-1a, which is identified as Project Mitigation Measure 6.

PEIR Mitigation Measure M-BI-1b requires pre-construction special-status bat surveys by a qualified bat biologist when large trees (those with trunks over 12 inches in diameter) are to be removed, or when vacant buildings or buildings used seasonally or not occupied, especially in the upper stories, are to be demolished. The proposed project would not remove any trees; however, the existing building that is proposed for demolition contains vacant areas on the second story. Therefore, PEIR Mitigation Measure M-BI-1b (Project Mitigation Measure 7) is applicable to the proposed project.

As the proposed project includes the mitigation measure discussed above and is within the geographic area of the Western SoMa Community Plan, there would be no additional impacts on biological resources beyond those analyzed in the Western SoMa PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>13. GEOLOGY AND SOILS—Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR concluded that implementation of the Western SoMa Community Plan would indirectly increase the population that would be subject to geologic hazards, including earthquakes, seismically induced ground shaking, liquefaction, and landslides. The PEIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risk, but would reduce them to an acceptable level given the seismically active characteristics of the San Francisco Bay Area. Therefore, the PEIR concluded that implementation of the Western SoMa Community Plan would not result in significant impacts related to geologic hazards. No mitigation measures were identified in the PEIR.

A geotechnical investigation was conducted to assess the geologic conditions underlying the project site and provide recommendations related to the proposed project's design and construction. Borings at the project site were not included in this investigation. The findings and recommendations are summarized below.<sup>54</sup>

The project site is anticipated to be underlain by 10 feet of fill consisting of primarily loose to dense sand and gravel with building debris. The fill is anticipated to be underlain by 10 to 20 feet of beach deposit consisting of very loose to dense sand. The fill and beach deposit is anticipated to be underlain by a weak and compressible clay deposit. Groundwater is anticipated to be between 10 to 12 feet below ground surface, and the project site is located in a liquefaction zone. The geotechnical investigation recommends that the proposed development be supported by a shallow foundation on improved soil using compaction grouting or other ground improvement techniques. Drilled piers could also be considered to support the proposed building. Impact piling driving is not required or proposed.

The Seismic Hazards Mapping Act (seismic hazard act, located in Public Resources Code 2690 *et seq.*), enacted in 1990, protects public safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failures or hazards caused by earthquakes. The California Geological Survey designates the project site as within an area that may be prone to earthquake-induced ground failure during a major earthquake due to liquefaction hazard. Because of this, site design and construction must comply with the seismic hazard act, its implementing regulations, and the California Department of Conservation's guidelines for evaluating and mitigating seismic hazards. In addition to the seismic hazard act, adequate investigation and mitigation of failure-prone soils is also required by the mandatory provisions of the

<sup>54</sup> LANGAN, *Revised Preliminary Geotechnical Report, 230-234 7<sup>th</sup> Street, San Francisco, California*, March 16, 2017.

*California Building Code* (state building code, California Code of Regulations, Title 24). The *San Francisco Building Code* has adopted the state building code with certain local amendments. The regulations implementing the seismic hazard act include criteria for approval of projects within seismic hazard zones that require a project be approved only when the nature and severity of the seismic hazards at the site have been evaluated in a geotechnical report and appropriate mitigation measures<sup>55</sup> have been proposed and incorporated into the project, as applicable.

The proposed project is required to conform to the local building code, which ensures the safety of all new construction in the City. In particular, Chapter 18 of state building code, Soils and Foundations, provides the parameters for geotechnical investigations and structural considerations in the selection, design and installation of foundation systems to support the loads from the structure above. Section 1803 sets forth the basis and scope of geotechnical investigations conducted. Section 1804 specifies considerations for excavation, grading and fill to protect adjacent structures and prevent destabilization of slopes due to erosion and/or drainage. In particular, Section 1804.1, Excavation near foundations, requires that adjacent foundations be protected against a reduction in lateral support as a result of project excavation. This is typically accomplished by underpinning or protecting said adjacent foundations from detrimental lateral or vertical movement, or both. Section 1807 specifies requirements for foundation walls, retaining walls, and embedded posts and poles to ensure stability against overturning, sliding, and excessive pressure, and water lift including seismic considerations. Sections 1808 (foundations) and 1809 (shallow foundations) specify requirements for foundation systems such that the allowable bearing capacity of the soil is not exceeded and differential settlement is minimized based on the most unfavorable loads specified in Chapter 16, Structural, for the structure's seismic design category and soil classification at the project site. DBI will review the project-specific geotechnical report during its review of the building permit for the project. In addition, DBI may require additional site specific soils report(s) through the building permit application process, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code, local implementing procedures, and state laws, regulations and guidelines would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

For these reasons, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Western SoMa PEIR, and no mitigation measures are necessary.

<b>Topics:</b>	<b><i>Significant Impact Peculiar to Project or Project Site</i></b>	<b><i>Significant Impact not Identified in PEIR</i></b>	<b><i>Significant Impact due to Substantial New Information</i></b>	<b><i>No Significant Impact not Previously Identified in PEIR</i></b>
<b>14. HYDROLOGY AND WATER QUALITY—Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>55</sup> In the context of the seismic hazard act, "mitigation" refers to measures that reduce earthquake hazards, rather than the Mitigation Measures that were identified in the programmatic EIR, which are required by the California Environmental Quality Act (CEQA) to reduce or avoid environmental impacts of a proposed project.

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

The Western SoMa PEIR determined that the anticipated increase in population would not result in a significant impact related to hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the PEIR.

The entire project site is covered by impervious surfaces, and the proposed building's footprint would cover the entire project site. As a result, the proposed project would not result in an increase in the amount of impervious surface area on the project site or an increase in the amount of runoff and drainage from the project site. In accordance with the Stormwater Management Ordinance (Ordinance No. 83-10, effective May 22, 2010), the proposed project is required to comply with the stormwater design guidelines, incorporating low impact design approaches and stormwater management systems into the project. Therefore, the proposed project would not adversely affect runoff and drainage.

For these reasons, the proposed project would not result in any significant impacts related to hydrology and water quality that were not identified in the Western SoMa PEIR.

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

The Western SoMa PEIR identified less-than-significant impacts related to the routine transport, use, or disposal of hazardous material; the potential for the Western SoMa Community Plan or subsequent development projects within the plan area to interfere with an adopted emergency response plan; and the potential for subsequent development projects within the plan area to expose people or structures to a significant risk with respect to fires.

### **Hazardous Building Materials**

The proposed project would involve demolition of the existing building on the project site, which was constructed in 1924. Because this structure was built before the 1970s, hazardous building materials such as polychlorinated biphenyls (PCBs), mercury, asbestos and lead-based paint are likely to be present in this structure. Demolishing the existing structure could expose workers or the community to hazardous building materials. In compliance with the Western SoMa PEIR, the proposed project would be required

to implement PEIR Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement, identified as Project Mitigation Measure 8. Project Mitigation Measure 8 would require the project sponsor to ensure that any equipment containing PCBs or mercury, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of demolition. Project Mitigation Measure 8 would reduce potential impacts related to hazardous building materials to a less-than-significant level.

For these reasons, the proposed project would not result in significant impacts related to hazardous building materials that were not identified in the Western SoMa PEIR.

### **Handling of Potentially Contaminated Soils**

The Western SoMa PEIR identified potentially significant impacts related to exposing the public or the environment to unacceptable levels of hazardous materials as a result of subsequent development projects within the plan area. The PEIR determined that Mitigation Measure M-HZ-3: Site Assessment and Corrective Action, would reduce these impacts to a less-than-significant level.

Subsequently, the San Francisco Board of Supervisors amended Health Code Article 22A (also known as the Maher Ordinance), which is administered and overseen by the Department of Public Health (DPH). Amendments to the Maher Ordinance became effective August 24, 2013 and require that sponsors for projects that disturb more than 50 cubic yards of soil retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. PEIR Mitigation Measure M-HZ-3, related to contaminated soil and groundwater, is therefore superseded by the Maher Ordinance.

The project site is located in a Maher Area, meaning that it is known or suspected to contain contaminated soil and/or groundwater.<sup>56</sup> The proposed project would require excavation to a depth of 8 feet below ground surface and the removal of 800 cubic yards of soil. Therefore, the project sponsor is required to retain the services of a qualified professional to prepare a Phase I ESA that meets the requirements of Health Code Section 22.A.6.

The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the proposed project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to DPH or other appropriate state or federal agencies and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor submitted a Maher Application and a Phase I ESA to DPH.<sup>57,58</sup> Based on the Phase I ESA, the project site was occupied by residential structures and stores from circa 1887 to 1913. The project site appeared to be vacant from circa 1914 until the existing structure was built in 1924. During the late-1940s through mid-2000s, an auto parts warehouse and

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<sup>56</sup> San Francisco Planning Department, *Expanded Maher Area Map*, March 2015. Available online at [http://www.sf-planning.org/ftp/files/publications\\_reports/library\\_of\\_cartography/Maher%20Map.pdf](http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf). Accessed September 20, 2016.

<sup>57</sup> Innovative & Creative Environmental Solutions, *Phase I Environmental Site Assessment*, 230 7<sup>th</sup> Street, San Francisco, CA, July 18, 2014.

<sup>58</sup> Russell Yim, SFDPH, email to Don Lewis, 230 7<sup>th</sup> Street, April 2, 2015.

machine shop occupied the existing building. This historical use of the project site as an auto parts warehouse and machine shop represents a *recognized environmental condition*, indicating the potential for soil or groundwater contamination related to the use and storage of hazardous materials at the site. The Phase I ESA recommends the collection of soil samples to assess the potential presence of metals, solvents, and petroleum hydrocarbons, and soil vapor samples should also be collected to assess the potential vapor intrusion within the project site. The proposed project would be required to remediate potential soil and/or groundwater contamination described above in accordance with Article 22A of the Health Code.

As discussed above, implementation of Project Mitigation Measure 8 and compliance with all applicable federal, state, and local regulations would ensure that the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Western SoMa PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
<b>16. MINERAL AND ENERGY RESOURCES— Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR determined that the Western SoMa Community Plan would facilitate the construction of both new residential and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the DBI. The plan area does not include any natural resources routinely extracted, and the rezoning does not result in any natural resource extraction programs. Therefore, the Western SoMa PEIR concluded that implementation of the Western SoMa Community Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is located within the Western SoMa Community Plan area, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Western SoMa PEIR.



<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>17. AGRICULTURE AND FOREST RESOURCES:—Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Western SoMa PEIR determined that no agriculture or forest resources exist in the plan area; therefore the Western SoMa Community Plan would have no effect on agriculture and forest resources. No mitigation measures were identified in the PEIR.

As the proposed project is located within the Western SoMa Community Plan area, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Western SoMa PEIR.

## MITIGATION MEASURES

### **Project Mitigation Measure 1 – Protect Historical Resources from Adjacent Construction Activities (Mitigation Measure M-CP-7a of the Western SoMa PEIR)**

The project sponsor shall consult with Planning Department environmental planning/preservation staff to determine whether adjacent or nearby buildings constitute historical resources that could be adversely affected by construction- generated vibration. For purposes of this measure, nearby historic buildings shall include those within 100 feet of a construction site if pile driving would be used in a subsequent development project; otherwise, it shall include historic buildings within 25 feet if heavy equipment would be used on the subsequent development project. (No measures need be applied if no heavy equipment would be employed.) If one or more historical resources is identified that could be adversely affected, the project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings. Such methods may include maintaining a safe distance between the construction site and the historic buildings (as identified by the Planning Department preservation staff), using construction techniques that reduce vibration, appropriate excavation shoring methods to prevent movement of adjacent structures, and providing adequate security to minimize risks of vandalism and fire.

**Project Mitigation Measure 2 – Construction Monitoring Program for Historical Resources (Mitigation Measure M-CP-7b of the Western SoMa PEIR)**

The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program, which shall apply within 100 feet where pile driving would be used and within 25 feet otherwise, shall include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of historical resource(s) identified by the San Francisco Planning Department within 125 feet of planned construction to document and photograph the buildings' existing conditions. Based on the construction and condition of the resource(s), the consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inch per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard.

Should vibration levels be observed in excess of the standard, construction shall be halted and alternative construction techniques put in practice, to the extent feasible. (For example, pre-drilled piles could be substituted for driven piles, if feasible based on soils conditions; smaller, lighter equipment might be able to be used in some cases.) The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity on the site.

**Project Mitigation Measure 3 – Archeological Testing (Mitigation Measure M-CP-4a of the Western SoMa PEIR)**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>59</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>60</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

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

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project

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<sup>59</sup> By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>60</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

- activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
  - The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
  - The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
  - If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities\_and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.

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

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

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

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Project Mitigation Measure 4 – General Construction Noise Control Measures**  
**(Mitigation Measure M-NO-2a of the Western SoMa PEIR)**

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor shall undertake the following:

- The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible).
- The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.
- The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to: performing all work in a manner that minimizes noise to the extent feasible; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of each building permit, along with the submission of construction documents, the sponsor shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

**Project Mitigation Measure 5 – Construction Emissions Minimization Plan for Health Risks and Hazards (Mitigation Measure M-AQ-7 of the Western SoMa PEIR)**

The project sponsor or the project sponsor's Contractor shall comply with the following:

*A. Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than

20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.

2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. *Waivers.*

1. The Planning Department's Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.

**Table – Off-Road Equipment Compliance Step-down Schedule**

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment

requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

\*\* Alternative fuels are not a VDECS.

- C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
  2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
  3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.



**Project Mitigation Measure 6 – Pre-Construction Special-Status Bird Surveys (Mitigation Measure M-BI-1a of the Western SoMa PEIR)**

The project sponsor shall ensure that pre-construction special-status bird surveys are conducted when trees would be removed or buildings would be demolished as part of an individual project. Pre-construction special-status bird surveys shall be conducted by a qualified biologist between February 1 and August 15 if tree removal or building demolition is scheduled to take place during that period. If bird species protected under the Migratory Bird Treaty Act or the California Fish and Game Code are found to be nesting in or near any work area, an appropriate no-work buffer zone (e.g., 100 feet for songbirds) shall be designated by the biologist. Depending on the species involved, input from the California Department of Fish and Game (CDFG) and/or United States Fish and Wildlife Service (USFWS) may be warranted. As recommended by the biologist, no activities shall be conducted within the no-work buffer zone that could disrupt bird breeding. Outside of the breeding season (August 16 – January 31), or after young birds have fledged, as determined by the biologist, work activities may proceed. Special-status birds that establish nests during the construction period are considered habituated to such activity and no buffer shall be required, except as needed to avoid direct destruction of the nest, which would still be prohibited.

**Project Mitigation Measure 7 – Pre-Construction Special-Status Bat Surveys (Mitigation Measure M-BI-1b of the Western SoMa PEIR)**

The project sponsor shall ensure that pre-construction special-status bat surveys are conducted by a qualified bat biologist when large trees (those with trunks over 12 inches in diameter) are to be removed, or vacant buildings or buildings used seasonally or not occupied, especially in the upper stories, are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no disturbance buffer shall be created around active bat roosts being used for maternity or hibernation purposes at a distance to be determined in consultation with the CDFG. Bat roosts initiated during construction are presumed to be unaffected, and no buffer would be necessary.

**Project Mitigation Measure 8 – Hazardous Building Materials Abatement (Mitigation Measure M-HZ-2 of the Western SoMa PEIR)**

The project sponsor shall ensure that any equipment containing polychlorinated biphenyls (PCBs) or mercury, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tube fixtures, which could contain mercury, are similarly removed intact and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.