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NOTE TO FILE

Case No.:	2015-002837ENV
Project Address:	455 Fell Street Project (Parcel O)
Zoning:	RTO (Residential Transit Oriented District) 40X and 50-X Height and Bulk District
Block/Lot:	0831/024
Lot Size:	37,426 square feet
Plan Area:	Market and Octavia Neighborhood Plan
Project Sponsor:	Tim Dunn, Mercy Housing California – (415) 355-7113
Staff Contact:	Chelsea Fordham, (415) 575-9071 Chelsea.Fordham@sfgov.org

BACKGROUND

On April 5, 2007, the San Francisco Planning Commission certified the final Programmatic Environmental Impact Report (PEIR) for the Market and Octavia Area Plan (Planning Department Case No. 2003.0347E) under Planning Commission Motion No. 17406 in fulfillment of the requirements of the California Environmental Quality Act (CEQA). The PEIR analyzed amendments to the Planning Code and Zoning Maps and to the Market and Octavia Area Plan, an element of the San Francisco General Plan. The PEIR analysis was based upon assumed development and activities that were anticipated to occur under the Market and Octavia Area Plan, including project-level analysis of the development on 22 Central Freeway parcels.

Subsequent to the certification of the PEIR, on May 30, 2008, the Board of Supervisors upheld the Planning Commission's decision to certify the EIR and denied the appeals. In addition, the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia PEIR. Therefore, certification of the EIR became effective on May 30, 2008.

The legislation created several new zoning controls which allow for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable "whole" neighborhoods meeting everyday needs. The Market and Octavia Neighborhood Plan, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the proposed project on Parcel O.

This determination concludes that the proposed project at Parcels O is consistent with and was encompassed within the analysis in the PEIR for the Market and Octavia Neighborhood Plan and for the project-level review of the Central Freeway parcels. This determination finds that the PEIR

adequately anticipated and described the impacts of the proposed project, and identifies the PEIR mitigation measures applicable to the proposed project. Since the PEIR was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require revisions to the PEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the PEIR. Therefore, no further CEQA evaluation is necessary.

PROJECT DESCRIPTION

The proposed project at Parcel O-455 Fell Street (Parcel O) would include the construction of a new mixed-use building with 108 residential units, 1,200 square feet (sf) of retail space, 2,028 sf of office space that would accessory to the residential uses, and 2,890 sf of community activities space. The proposed residential and commercial structure would be approximately 110,346 gross square feet and would range in height from 50' to 38'4"tall (60 feet with elevator penthouse), constructed on a former Central Freeway parcel (Parcel O). The proposed building would vary in height from two to six -stories throughout the project site across the site, with a maximum roof height of 50-feet along Fell Street and the lowest heights of 38'4" along Hickory Street. Additionally, a portion of the building on Fell Street would be four-stories with a roofdeck on top, which was designed to reduce shadow impacts on Patcria's Green (an RDP facility). The proposed 108 residential units would consist of a dwelling unit mix of mix of two Studios, 57 one- bedroom unit, 42 two-bedroom units, and seven three-bedroom units. The proposed 1,200 sf ground-floor retail would be located on the corner of Laguna and Fell Street.

The proposed project would not provide off-street parking and is proposing to provide 108 Class II bicycle parking spaces to be located in two bicycle storage rooms, one accessed from the Hickory Street entrance and one accessed from Fell Street entrance, eight Class II bicycle spaces to be located on Fell Street. The proposed site design would also include the creation of two passenger loading zones, including one on Fell Street, and an ADA accessible loading zone on Hickory Street. The trash room is proposed to be accessed from the loading zone located on Fell Street. Additionally, the proposed building would include a mid-block pedestrian passage that would connect Oak Street to Fell Street, and would align with a similar mid-block pedestrian passage constructed as part of the Parcel P project.

The project site is currently vacant, and was most recently used for construction staging for the adjacent Parcel P project (Case No. 2011.0744E). The site is approximately 37,426 square-feet and fronts onto three streets including Laguna Street to the west, Fell Street to the north, and Hickory Street (which was extended and reconstructed as part of the construction of the adjacent Parcel P) to the south, in the Hayes Valley neighborhood of San Francisco. Additionally, Oak Street is located to the south of the project site and Octavia Street to the east. The site is located within the RTO (Residential Transit Oriented District) and a split 40-X and 50-X height and bulk district. The northern portion of the property that fronts on Fell Street is located within the 50-X height and bulk district and the southern portion of the property that fronts on Hickory Street is within the 40-X height and bulk district.

AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

Public Resources Code Section 21099(d), effective January 1, 2014, provides that "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet 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 checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.[1]

POTENTIAL ENVIRONMENTAL IMPACTS

The Market and Octavia PEIR included analyses of environmental issues including: land use and zoning; plans and policies; visual quality and urban design; population, housing, and employment (growth inducement); transportation; noise; air quality; wind and shadow; archeological resources; historic architectural resources; hazardous materials; geology and soils; public facilities, services, and utilities; hydrology; and biology. The proposed project at 455 Fell Street is within the allowable density and consistent with the designated uses for the site described in the PEIR and would represent a small part of the growth forecast for the Plan. As a result, the PEIR considered the incremental impacts of the proposed project. The proposed project would not result in any new or substantially more severe impacts than were identified in the PEIR. Topics for which the FEIR identified a significant program-level impact are addressed in this Note to File. The following sections demonstrate that the proposed development at 455 Fell Street would not result in significant impacts beyond those analyzed in the FEIR.

Cultural Resources

Historic Architectural Resources

Historic resource surveys were conducted for the Market and Octavia Neighborhood Plan area subsequent to the adoption of the Market and Octavia PEIR, with interim controls for evaluation and protection of historic resources during the survey period. On December 17, 2008, the Landmarks Preservation Advisory Board endorsed the findings of the Market and Octavia Area Plan-level Historic Resource Survey, and on February 19, 2009, the San Francisco Planning Commission adopted the findings of the survey.

The subject property is a vacant lot. The property was surveyed as part of the Market-Octavia Historic Resources Survey and is not located within a historic district. Therefore, the proposed project is not anticipated to result in an adverse effect on off-site historical resources.

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[1] San Francisco Planning Department, Transit-Oriented Infill Project Eligibility Checklist for 455 Fell Street (Parcel O), November 24, 2015. 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. 2015-002837ENV.

Archeological Resources

The Market and Octavia PEIR identified potential archeological impacts and identified four archeological mitigation measures that would reduce impacts on archeological resources to less than significant. Mitigation Measure 5.6.A1: Archeological Mitigation Measure – Soil Disturbing Activities in Archeologically Documented Properties applies to those properties for which a final Archaeological Research Design Treatment Plan (ARDTP) is on file in the Northwest Information Center and the Planning Department. Properties subject to this mitigation measure include the project site (Parcel O). Pursuant to Archeological Mitigation Measure 5.6.A1 of the Market and Octavia Neighborhood Plan PEIR, an Archeological Research Design and Treatment Plan/Archeological Testing Plan Addendum (ARDTP/ATP Addendum) was prepared for the proposed project and is summarized in the following section. In accordance with Market and Octavia PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1 (below), which includes implementation of the Archeological Testing Program including in the ARDTP/ATP Addendum. With implementation of Project Mitigation Measure 1, the proposed project would not result in a significant impact related to archeological resources.

No prehistoric sites have been documented in the general project vicinity and the project site has a low to moderate sensitivity for prehistoric resources. The nearest prehistoric sites are located in Western SoMa and the Mission District in ecological settings that were near tidal or freshwater marshes, freshwater lagoons or creeks. The project site is located in an area of late period sand dunes. While these sand dunes were available for human use during the Holocene, they were available for relatively short periods of time and may only contain evidence of single-component archaeological deposits, unlike the large midden sites found south of Market Street. No prehistoric deposits were found during construction monitoring on adjacent Parcel P to a depth of 20 feet.

A CA. 1861 lithograph of Hayes Valley shows the beginnings of development at the project site. Oak Street was graded and open, and a few small structures were present possibly along Fell Street with the project site. By the 1869 U. S. Coast Survey map, there were at least two buildings in the project site. One was probably the Westminster Presbyterian Church. Over the course of the next 16 years, the block saw substantial construction. By the 1886 Sanborn Fire Insurance Company map, (Sanborn) dwellings faced Laguna Street and there was at least one residence and some outbuildings on Hickory. Fell Street included several row houses and, mid-block, the Westminster Presbyterian Church. Fell Street became more densely settled in the next decade. Much of the empty space had been filled in (with the exception of the northeast corner of the block) such that the Fell and Hickory frontages were nearly full. The Westminster Church had been removed, and the character of the block was entirely residential. Since the block was not destroyed by the 1906 earthquake and fire, many of the buildings remained intact through 1950 (Sanborn 1905, 1913, 1950).

According to the geotechnical study, [2] the site slopes down to the east and has elevations ranging from approximately 76 to 61 feet. The general subsurface conditions at the site consist of fill, Dune sand, Marsh Deposit, and interbedded sands and clays. The fill generally consists of medium

[2] Langan Treadwell Roll. Geotechnical Investigation*: Parcel O – Central Freeway (Parcel 0) San Francisco, CA.* October 30, 2015. This document is available for review as part of Case No. 2015.002837ENV at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

dense sand and stiff clay with isolated brick and concrete debris. Artificial fill is not generally itself of archeological interest. However, in this case, it is possible that features of archeological interest, such as artifact-filled hollows privies, wells, cisterns, trash pits may be present within fill deposits and even if truncated, they may retain sufficient data sets and have historical associations to be archeologically significant.

As outline above, the ARDTP/ATP Addendum determined that it is possible that prehistoric and historic-period deposits may be within the zone of proposed ground disturbance. In accordance with Market and Octavia PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1 (below), which includes implementation of the Archeological Testing Program outline in the ARDTP/ATP Addendum. With implementation of Project Mitigation Measure 1, the proposed project would not result in a significant impact related to archeological resources.

> ***Project Mitigation Measure 1 – Soils Disturbing Activities (Mitigation Measure 5.6.A1 of the Market and Octavia PEIR).*** Pursuant to *Mitigation Measure 5.6.A1*, any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:
>
> 1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities;
>
> 2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants;
>
> 3. Identification of potential archeological resources: Discussion of any identified potential prehistoric or historical archeological resources;
>
> 4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archeological resources that are identified;
>
> 5. Impacts of Proposed Project;
>
> 6. Potential Soils Hazards: Update discussion for proposed project;
>
> 7. Archeological Testing Plan (if archeological testing is determined warranted): the Archeological Testing Plan (ATP) shall include:

A. Proposed archeological testing strategies and their justification

B. Expected archeological resources

C. For historic archeological resources

1) Historic address or other local information

2) Archeological property type

D. For all archeological resources

1) Estimate depth below the surface

2) Expected integrity

3) Preliminary assessment of eligibility to the CRHR

E. ATP Map

1) Location of expected archeological resources

2) Location of expected project sub-grade impacts

3) Areas of prior soil disturbance

4) Archeological testing locations by type of testing

5) Base map: 1886/7 Sanborn Fire Insurance Company map

Transportation and Circulation

The Market and Octavia PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership. Thus, the PEIR identified eight transportation mitigation measures, including implementation of traffic management strategies and transit improvements. Even with mitigation, however, it was anticipated that the significant adverse effects at seven intersections and the cumulative impacts on certain transit lines resulting from delays at several Hayes Street intersections could not be fully mitigated. These impacts were found to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of the Market and Octavia Area Plan approval on May 30, 2008.

The proposed project would include the construction of 108 residential units, 1,200 square feet (sf) of retail space, 2,028 sf of office space accessory to the residential uses, and 2,890 sf of community activities space. The proposed project would not provide any off-street parking and would provide 108 Class 1 bicycle parking spaces to be located in two bicycle storage areas, one accessed near the Hickory Street entrance and one near the Fell Street entrance, and eight Class II bicycle spaces to be located on Fell Street. Additionally, the trash room is proposed to be accessed from the loading zone located on Fell Street.

Trip Generation

Trip generation from the proposed project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines) developed

by the San Francisco Planning Department.[3] The proposed project would generate 181 PM peak hour person-trips of which 45 would be automobile trips, 82 would be transit trips, 40 would be pedestrian trips, and 13 would be other, including bicycle trips. Due to the project's location near major transit and bicycle routes, the number of vehicle trips would likely be less. The estimated 39 new PM peak hour vehicle trips would travel through the intersections surrounding the project block, but would not substantially increase traffic volumes at these intersections. The proposed project could result in an increase in average delay per vehicle at these intersections, but this increase would not be considered as substantial or noticeable, and the proposed project would not significantly change the existing levels of service at the intersections surrounding the project site.

Traffic

As previously mentioned, zoning changes studied in the Market and Octavia PEIR anticipated significant impacts to traffic from implementation of the Plan. The project-level analysis for the planned development of the 22 Central Freeway parcels (2025 with Plan development) determined that 12 intersections would operate at unacceptable levels of service (LOS) in 2025 with implementation of the Plan, as opposed to only nine intersections in the 2025 without Plan forecast. The additional three intersections that would operate at unacceptable LOS in 2025 include Hayes/Gough, Hayes/Franklin, and Laguna/Market/Hermann/Guerrero. The proposed project is bounded by Fell Street to the north, Oak and Hickory Streets to the south, Laguna Street to the west, and Octavia Street to the east and is located two blocks from the Hayes/Gough Street intersection and three blocks from the Hayes/Franklin Street intersection.

The PEIR stated that traffic generated from the Central Freeway parcels would not represent a considerable contribution to the adverse cumulative conditions, and the Central Freeway parcels would not have a significant traffic impact.

Transit

The Market and Octavia PEIR identified significant and unavoidable cumulative impacts relating to the degradation of transit service as a result of increased delays at the following intersections in the PM peak hour: Hayes Street/Van Ness Avenue, Hayes Street/Franklin Street, and Hayes Street/Gough Street. Mitigation measures proposed in the PEIR to address these impacts included changes to street configurations and traffic patterns. Even with mitigation, however, cumulative impacts were found to be significant and unavoidable and a Statement of Overriding Considerations was adopted as part of the Market and Octavia Plan approvals.

Public transit serving the project site and within ¼ mile includes the Muni bus routes 7X, 7, 7R, 21, and 6. Muni's Van Ness Station with access to Muni Metro routes J, K, L, M, N is located approximately 1/3-mile and the Civic Center BART station with access to BART's regional rail lines is located approximately ¾-mile from the project site. No peculiar transit impacts are anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the PEIR (to be implemented by the San Francisco Municipal

[3] Chelsea Fordham, San Francisco Planning Department, Transportation Calculations, November 18, 2015. These calculations are available for review as part of Case No. 2015.002837ENV at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Transportation Agency [SFMTA]) are not applicable to the proposed project. With the development of Central Freeway parcels, the peak hour capacity utilization would not be substantially increased and the impact on Muni operations would be considered as less-than-significant.

Air Quality

Construction Dust Control

The PEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and short-term construction exhaust emissions. Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Market and Octavia PEIR identified a significant impact related to construction air quality and determined that Mitigation Measure 5.8.A - Construction Mitigation Measure for Particulate Emissions would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008), with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work, in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). For projects over one half-acre, such as the proposed project, the Dust Control Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Department of Public Health. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement. The site-specific Dust Control Plan would require the project sponsor to implement additional dust control measures such as installation of dust curtains and windbreaks and to provide independent third-party inspections and monitoring, provide a public complaint hotline, and suspend construction during high wind conditions. These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be reduced to a less than-significant level. Since the project would comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction dust. Compliance with the Construction Dust Control Ordinance, as applicable, would ensure that dust-related air quality impacts during project construction would be less than significant. Thus, Mitigation Measure 5.8A would not be applicable to the proposed project.

Criteria Air Pollutants

The BAAQMD's CEQA Air Quality Guidelines (Air Quality Guidelines) provide screening criteria[4] 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

[4] Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria, as the proposed project involves the construction of a mixed-use buildings with a total of 108 dwelling units and 1,200 square feet of retail use which is below the criteria air pollutant screening sizes for an Apartment, Low-Rise Building (451 dwelling units for operational and 240 dwelling units for construction). Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

Construction

The project site is located within an Air Pollutant Exposure Zone as defined by Article 38 of the San Francisco Health Code. The proposed project would require heavy-duty off-road diesel vehicles and equipment during the anticipated 18-month construction period. The PEIR identified a significant impact related to short-term exhaust emissions from construction equipment and determined that Mitigation Measure 5.8B – Construction Mitigation Measure for Short-Term Exhaust Emissions would reduce effects to a less-than-significant level. Since the proposed project includes construction activities, this mitigation measure would apply to the proposed project. The project sponsor has agreed to Project Mitigation Measure 2: Construction Air Quality, which has been identified to implement Market and Octavia PEIR Mitigation Measure 5.8B by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure 2: Construction Air Quality, which is listed below, would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.[5] Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 2: Construction Air Quality.

> ***Project Mitigation Measure 2: Construction Air Quality (Implementing Market & Octavia Mitigation Measure 5.8B of the Market & Octavia PEIR)***
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> The project sponsor or the project sponsor's Contractor shall comply with the following
>
> A. *Engine Requirements.*
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> 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

[5] 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).

(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 or designee (ERO) 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 onsite 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 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 ERO 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.

Siting Sensitive Land Uses

For sensitive use projects within the Air Pollutant Exposure Zone as defined by Article 38, such as the proposed project, the Ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM2.5 (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor has submitted an initial application to DPH.[6] The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant. Therefore, impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

Noise

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

The residential units developed on the Central Freeway parcels would be required to provide an interior noise environment below 45 dBA (Ldn) in compliance with Title 24 of the California Code of Regulations and to incorporate noise reduction measures as outlined in Policy 10.2 of the San Francisco General Plan. Parcel O fronts on Fell Street, which has noise levels above 75 dBA. As required under the Housing Element EIR[7], new residential development located along streets with such noise levels require a noise study to identify potential noise-generating uses within the project vicinity, and to take at least one 24-hour noise measurement. A noise study was prepared for the proposed project, and based on the noise measurements, the maximum future noise environment at the proposed buildings would range from 73 dBA along Fell Street, 69 dBA on Laguna, and 63 dBA on Hickory Street.[8] To comply with Title 24, the noise study concluded that suitable noise insulation can be provided with commercially available dual-glazed windows with one-inch thickness to achieve an STC rating of 37 to 28 and an alternative measure of supplying fresh air will be (e.g. mechanical ventilation) provided. The noise study demonstrates that Title 24 standards can be met, and there are no particular circumstances about the project site that appear to warrant heightened concern about noise levels in the vicinity.

All construction activities for the proposed project (approximately 18 months) would be subject to and would comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance). Construction noise is regulated by the 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 at a distance of 100

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[6] Application for Article 38 Compliance Assessment, Parcels O, August 17, 2015.

[7] San Francisco Planning Department, San Francisco 2004 and 2009 Housing Element Final Environmental Impact Report, Planning Department Case Numbers 2007.1275E and 2014.1327E, certified March 24, 2011,re-certified on April 24, 2014. Available online at: *http://www.sf-planning.org/index.aspx?page=1828*, assessed October 23, 2015.

[8] 455 Fell Street Parcel O Apartments, *Environmental Noise Study*. November 20, 2015.

feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 18 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and users at Patricia's Green businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

In light of the above, the proposed project would not result in any significant noise impacts.

Wind

Wind impacts are directly related to building design and articulation and the surrounding site conditions. The PEIR identified a potentially significant impact related to new construction and determined that Mitigation Measure 5.5B1: Wind Mitigation Measure – Buildings in Excess of 85 feet in Height and Mitigation Measure 5.5B2: Wind Mitigation Measure – All New Construction[9] would reduce effects to less-than-significant levels. The PEIR acknowledged that wind impacts are project site- and design-specific, and therefore the potential wind impacts associated with development of the Central Freeway parcels were not determined by the PEIR analysis. Since most of the Central Freeway parcels fall within height limits ranging from 30 feet to 65 feet, the PEIR stated that buildings of this height have a limited potential for the creation of significant wind impacts in San Francisco.

As stated above, wind impacts are directly related to building design, articulation, and surrounding site conditions. Based upon the experience of San Francisco environmental planners in reviewing wind analyses and expert opinion letters on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The proposed 38 to 50-foot-tall buildings (60 feet with elevator penthouse) would be similar in height to existing buildings in the area. Across Hickory Street to the south of the project site, Parcel P contains a four to five-story building and directly east of the site there is a three-story building on Fell Street. Therefore, the proposed project does not warrant a focused wind study as the project does not have the potential to result in significant wind impacts. Both Mitigation Measure 5.5B1 and 5.5B2 do not apply.

[9] Paul Maltzer, *Market and Octavia EIR Wind Impacts and Mitigation Memorandum,* November 7, 2008.

Shadow

The PEIR found that new development of Central Freeway Parcels L, K, M, and O to a height of 55 feet would cast new shadow on Patricia's Green in all seasons of the year and at various times of the day.[10] The PEIR reported that development of Parcel O would shade the southern portion of the park in the afternoon (2:00 to 4:00 PM) winter hours, and concluded that the new shadow created on Patricia's Green would have a less than significant impact since Section 295 would require San Francisco Recreation and Park Commission review and approval. Additionally, the PEIR states that requiring architectural treatments and setbacks could reduce shadow impacts. No mitigation measures were included in the PEIR for Parks and Open Space subject to Section 295, because no significant impacts (including cumulative) were identified at the program or project level.

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open spaces that are under the jurisdiction of the 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. Since the proposed buildings are taller than 40 feet, 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 results of the shadow fan showed that development of Parcel O would cast new shadow on Patricia's Green. Therefore, a shadow study was conducted for the proposed project.[11] In comparison to the preliminary shadow fan analysis, the shadow study captured existing shadow from intervening buildings and more accurately modeled the design and location of the proposed building's elevator penthouse. According to the shadow study, the project as proposed would result in new shading on Patricia's Green and would not have the potential to affect any other public parks or privately owned open spaces. The results of the shadow analysis are presented below.

Patricia's Green is a well-used, 0.45-acre urban park located along the former Central Freeway parcel where Octavia Boulevard splits into two lanes flanking the park to the east and west. The park spans north-south, and is bounded by Hayes Street to the north and Fell Street to the south. The park is divided into three basic sections. On the northern end of the park is a picnic seating area along Hayes Street that features a plaza with four picnic tables around a mature tree with a mix of wooden and concrete benches. The central section of the park is created at the intersection of Linden Street, which contains a circular plaza with four concrete benches and eight bollards, and functions as the area for art installations. To the north and south of the center plaza are lawns. The southern section of the park contains a children's play area which features a dome structure with ropes and bars for climbing. Delineation between the play area and lawn is made by low concrete square pillars and a metal fence encloses the Fell Street side. An approximately 100-square-foot service structure is located on the southwest corner of the park. On the periphery of the park are concrete ledges and benches interspersed with approximately 24 trees and plantings.

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[10] Patricia's Green was referred to as Hayes Green in the PEIR. Patricia's Green is under the jurisdiction of the Recreation and Park Department and was a proposed park at the time of the Market and Octavia PEIR.

[11] Prevision Design, 455 Fell Street (Parcel O) Shadow Analysis Report, November 18, 2015.

To determine how the new shading may affect the existing patterns of park use, the shadow consultant conducted a total of twelve site visits. Six of the site visits occurred throughout the day and the park, and six site visits were focused on the location and hour of the project's shadowing on the park. Based on these surveys, the majority of park users were walking and playing with dogs, sitting, eating and socializing on the benches and picnic tables throughout the entire park. It was observed that the use of the park was highest mid-day during the week due to people eating lunch or while watching a special event, like a live music performance. The park was frequently used at all times for dog walking, as a meeting place or as a thoroughfare between Hayes and Fell streets and for Linden Street. The children's play area was also observed to be the frequently used by children playing, and elevated use of children's play area was observed on weekends, with approximately double the intensity of activity as was observed on weekdays. Most of the users of this area stayed for less than 20 minutes, with only a few remaining for 30 minutes or longer. Overall, observed peak use at the park occurred weekday midday and weekend afternoon.

The shadow study found that new shadow due to the proposed project would occur on the southern portion of the park from October 13 – February 28, for a total of 140 days annually. The project shadows would be located where plantings, the children's play area, and benches are located. The benches in this area were observed to be the most frequented by users for eating, socializing, and relaxing. The children's play area was observed to be frequently used by children playing, and elevated use of children's play area was observed on weekends. The new shadow is likely to be the most noticeable to such users. The maximum shadow impact on a specific day and time from the proposed 38 to-50-foot-tall building on Parcel O would be on January 26th and November 15th when new shadow would be cast on the park between 3:16 PM to 3:58 PM, for approximately 42 minutes. Affected areas would include planting areas, a portion of the southern grassy area, the children's play structure, and one fixed bench. On this day, new shadow would reach a maximum area of approximately 1,547 square feet (or 0.38 percent) of the park. Therefore, at its greatest extent at a single time, the new shadow would not cover a substantial area of the park.

The shadow analysis found that the theoretically available amount of sunlight on Patricia's Green is approximately 66,595,904 square feet, while the existing annual total shading on the park is 11,706,388 square foot hours (or 17.58 percent). The proposed project would add approximately 44,793 square feet of new shade, resulting in a 0.07 percent (less than one tenth of one percent) decrease in the theoretically available sunlight. The results of the shadow study are consistent with the analysis of the PEIR, and substantial changes have not occurred with respect to the circumstances under which the proposed project on Parcel O is being undertaken.

Additionally, the PEIR states that requiring architectural treatments and setbacks could reduce shadow impacts. The project building was designed to reduce the amount and intensity of shadows on Patricia's Green by reducing the height of the building on the northeast portion of the building from five to four-stories, and proving a roofdeck above it with a railing, which is intended to be designed as a minimal steel framework with horizontal cables that does not cast a perceptible shadow.

The PEIR acknowledged that development on Parcel O would result in the construction of a 40 to 50-foot-tall building, and concluded that new structures subject to the requirement of Planning Code Section 295, such as the proposed project, would not create any significant shadow impacts on parks under the jurisdiction of the Recreation and Park Department (RPD), such as Patricia's Green. Therefore, the proposed project's shadow impact on Patricia's Green would be less than significant as the PEIR stated that compliance with Section 295 would ensure that subsequent projects would not adversely affect existing or proposed open spaces under the jurisdiction of RPD. The proposed project will be presented to both the Recreation and Parks Commission and the Planning Commission for a determination of the project's shadow impact on Patricia's Green, under Section 295 of the Planning Code.

Geology and Soils

The Market and Octavia Neighborhood Plan PEIR identified a potential significant impact related to temporary construction on former central freeway parcels and determined that *Mitigation Measure 5.11.A: Construction Related Soils Mitigation Measure* would reduce effects to a less-than-significant level. Since the project site is generally level and construction would not alter the overall topography of the site this mitigation measure would apply to the project and implementation of this measure would reduce any impacts to a less-than-significant level. In accordance with the Market and Octavia PEIR, the project sponsor has agreed to implement Project Mitigation Measure 3, below.

> ***Project Mitigation Measure 3 – Construction-related Soils (Mitigation Measure 5.11.A of the Market and Octavia PEIR).*** Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy: protect disturbed areas through minimization and duration of exposure; control surface runoff and maintain low runoff velocities; trap sediment onsite; and minimize length and steepness of slopes.

A geotechnical investigation was performed for the project site and the proposed development.[12] The project site is underlain by fill, dune sand, marsh deposits, and sand and clays. The geotechnical investigation estimated the fill to be 4-1/2 feet thick towards the western end of the site and about 15-1/2 feet thick on the eastern end. The fill is generally underlain by loose to very dense sand and sand with silt, locally referred to as Dune sand. The Dune sand typically becomes denser with depth. The Dune sand is underlain by the Marsh Deposit. The Marsh Deposit generally consists of very loose to medium dense silty clayey sand and clayey sand and very soft to stiff clay and sandy clay. The Marsh Deposit was encountered about 24-1/2 to 30 feet below the ground surface and ranges in thickness from 5 to 13 feet. The Marsh Deposit is underlain by interbedded layers of dense to very dense sand with variable fines content and very stiff to hard clays to the maximum depth explored, 58 feet. Groundwater was encountered at a depth of about 32 feet. However, groundwater may fluctuate from 20 bgs to 35 bgs.

[12] Langan Treadwell Roll. Geotechnical Investigation*: Parcel O – Central Freeway (Parcel 0) San Francisco, CA*. October 30, 2015. This document is available for review as part of Case No. 2015.002837ENV at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

According to the geotechnical investigation, the proposed building would need to utilize a shallow foundation bearing on improved ground or a deep foundation supported by piles. A shallow foundation would consist of a mat or stiffened continuous footing grid bearing on improved ground. A deep foundation would be required to be supported on 16 to 18 ACIP piles. The project sponsor has indicated that they would pursue a shallow foundation on improved soils. The report describes recommendations regarding site preparation and grading, seismic design, site drainage, and the design of foundations, retaining walls, and slab floors.

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

Hazards and Hazardous Materials

The PEIR found that impacts to hazardous materials would primarily originate from construction-related activities. Demolition or renovation of existing buildings could result in exposure to hazardous building materials such as asbestos, lead, mercury or polychlorinated biphenyls (PCBs). In addition, the discovery of contaminated soils and groundwater within the Plan area could result in exposure to hazardous materials during construction. The PEIR found that compliance with existing regulations and implementation of Mitigation Measure 5.10.A – Program or Project Level Mitigation Measures for Hazardous Materials,[13] which would require implementation of construction best management practices (BMPs) to reduce dust emissions, would reduce impacts associated with construction-related hazardous materials to a less-than-significant level.

As discussed under the Air Quality section, subsequent to the certification of the PEIR, 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 regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of Market and Octavia PEIR Mitigation Measure 5.10.A. Therefore, PEIR Mitigation Measure 5.10.A is not applicable to the proposed project.

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[13] Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

The PEIR stated that because all of the Central Freeway parcels have been cleared of pavement and structures, no impacts related to demolition or renovation activities would apply to these parcels, which includes Parcel O.

The PEIR stated that soil investigation within the Plan area included the Soil Investigation Report for the Octavia Boulevard Improvement Project, prepared in June 2003, and the Phase I ESA for the Central Freeway Land Transfer Project, prepared in January 2002 as part of the Caltrans' freeway demolition investigation. The footprint of the investigations for the Octavia Boulevard project covers ten blocks on both sides of Octavia Boulevard ranging from Hayes Street to Market Street. Results of the soil analyses from the Octavia Boulevard project investigations[14] concluded that the preparation of a Site Mitigation Plan was recommended for future excavation projects as lead concentrations exceeded either residential or construction risk-based screening levels. Subsequent development occurring on these parcels in association with the Plan could result in the transport, handling, use, and/or generation of hazardous materials on the Central Freeway parcels. Future development on these parcels would be subject to individual site assessment and compliance with relevant regulations administered by the Department of Public Health. Given the current regulations governing these activities, impacts resulting from future development of the Central Freeway parcels would be considered less than significant.

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within the Market and Octavia Neighborhood Plan area are subject to this ordinance.

The proposed project is located within the Article 22A (Maher) area[15] and would involve up to approximately three to four-feet of excavation below ground surface with approximately 37,400 cubic yards of soil disturbance. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to 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.

The Phase I would determine the potential for site contamination and level of exposure risk associated with the 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

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[14] While the above sampling covered only a portion of the Plan area, the results show an overall pattern of potential contaminants.

[15] Based on soil investigations and site assessments, the Market and Octavia PEIR found a pattern of potential contaminants that may exceed residential or construction-based screening levels throughout the Plan Area, including development on Central Freeway parcels. Therefore, the project site was added to the Maher area on August 17, 2015.

submit a site mitigation plan (SMP) to the DPH or other appropriate state or federal agency(ies), 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 and Phase II ESA[16,17] to DPH.[18] Based on the Phase I ESA, the project site was developed with residential buildings from 1886 through 1938 and by 1946 a gas station and auto repair facility was built on the western extent of the subject property along Laguna Street, and remained there until at least 1956. Additionally, it is unknown if this previous gas station had underground storage tanks (USTs) present on the subject property. From 1967 until 1999, the residential neighborhood was replaced with a freeway off-ramp. The subject property has since been vacant, and was most recently used for construction staging of the adjacent Parcel P project. The Phase I ESA identified the previous use of the project site as a gas station as a Recognized Environmental Conditions, and therefore, the Phase I recommended the preparation of a Phase II subsurface investigation. As part of the Phase II analysis, four soil borings samples were taken on the subject property and tested for Total Petroleum Hydrocarbons (TPH) and Volatile Organic Compounds (VOCs). The soil samples were tested against the San Francisco Bay Region of the California Water Quality Board's Environmental Screening Levels (ESLs) to determine if any potenial contaminants are above levels that could result in a significant threat to human health or the environment. The four soil samples were tested against the ESL's and were found to not exceed any of the screening levels.

Since the project site is located in the Maher area and the proposed project would require more than 50 cubic yards of soil disturbance, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Market and Octavia PEIR.

Other Topics Not Addressed in PEIR

Greenhouse Gas Emissions

The State CEQA Guidelines were amended in 2010 to require an analysis of a project's greenhouse gas (GHG) emissions on the environment. The Market and Octavia PEIR was certified in 2007, and therefore did not analyze the effects of GHG emissions. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy,[19] which is comprised of regulations that have proven effective in reducing San Francisco's overall GHG emissions; San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project's contribution to climate change. Therefore, the proposed project's GHG

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16 AEI Consultants, Phase I Environmental Site Assessment, Corner of Fell and Laguna Street, San Francisco, CA, February 23, 2015.

17 AEI Consultants, Limited Phase II Subsurface Investigation, Southeast corner of Fell and Laguna Street, San Francisco, CA, February 23, 2015.

18 Maher Application, SFDPH, Parcel O, November 17, 2015.

19 Greenhouse Gas Analysis: Compliance Checklist, 455 Fell Street (Parcel O), September 2, 2015.

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.

For the above reasons, the proposed project would not result in significant impacts due to GHG emissions.

Mineral/Energy Resources
No known minerals exist at the project site, and therefore the project would not contribute to any individual or cumulative impact on mineral resources. The California Energy Commission is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the state. These facilities could supply additional energy to the power supply grid within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not have a significant impact to energy resources either individually or cumulatively.

Agricultural and Forest Resources
There are no known agricultural uses or forest resources located within the project area. Additionally, the project site and adjacent areas are not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural and forest resources either individually or cumulatively.

CONCLUSION

This Note to File is prepared in accordance with local CEQA procedures under Chapter 31 of the San Francisco Administrative Code. San Francisco Administrative Code Section 31.19(c)(1) states that a proposed project must be reevaluated and that, "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter." Thus, this Note to File provides written documentation for the case record that the proposed project at 455 Fell Street (Parcel O) is within the project analyzed in the PEIR and does not warrant additional environmental review.

The Planning Department has determined that neither an Addendum to an EIR (per CEQA Guidelines Section 15164) nor a Subsequent EIR (per CEQA Guidelines Section 15162) are applicable to the proposed project at 455 Fell Street (Parcel O) because, for the reasons discussed previously, there would be no substantial changes to the project description in the PEIR.

Based on the foregoing, the Planning Department concludes that the analyses conducted and the conclusions reached in the PEIR adopted and issued on April 5, 2007 and affirmed by the Board of Supervisors on November 13, 2009 remain valid and that no supplemental environmental review is required. The proposed project at 455 Fell Street (Parcel 0), would be within the PEIR analysis

and neither cause new significant impacts nor result in the substantial increase in the severity of previously identified significant impacts, and no new mitigation measures would be necessary to reduce significant impacts. Consequently, the project change does not require major revision of the EIR, and the project sponsors may implement the proposed project without additional CEQA review, consistent with California Public Resources Code Section 21166 and California Code of Regulations (CEQA Guidelines) Section 15164. Therefore, no supplemental environmental review is required beyond this Note to File.

cc: Tim Dunn, Mercy Housing California
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