



# SAN FRANCISCO PLANNING DEPARTMENT

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## Addendum 4 to Environmental Impact Report

*Addendum Date:* June 15, 2016  
*Case No.:* 2016-004042ENV  
*Project Title:* BOS File No. 160252 – Construction of Accessory Dwelling Units;  
BOS File No. 160657 – Construction of Accessory Dwelling Units  
*EIR:* San Francisco 2004 and 2009 Housing Element, 2007.1275E  
SCL No. 2008102033, certified March 24, 2011, recertified April 24, 2014  
*Project Sponsor:* Supervisor Peskin; Supervisors Farrell and Wiener  
*Sponsor Contact:* Kimia Haddadan, (415) 575-9068, [kimia.haddadan@sfgov.org](mailto:kimia.haddadan@sfgov.org)  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Michael Li, (415) 575-9107, [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### REMARKS

This document is an addendum to the 2004 and 2009 Housing Element Final Environmental Impact Report (“2004 and 2009 Housing Element FEIR” or “FEIR”). Its purpose is to substantiate the Planning Department’s determination that no supplemental or subsequent environmental review is required prior to adoption of proposed legislation to allow accessory dwelling units (“ADUs”) on a citywide basis (“modified project”). As described more fully below, the modified project is an implementing program of the 2014 Housing Element. The Planning Department has determined that the environmental impacts of the modified project have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed project would not result in any new or more severe environmental impacts than were identified in the FEIR.

### Background

On April 24, 2014, the San Francisco Planning Commission (“Planning Commission”) certified the 2004 and 2009 Housing Element FEIR pursuant to the California Environmental Quality Act (“CEQA”).<sup>1</sup>

On June 17, 2014, the San Francisco Board of Supervisors (“Board”) adopted the 2009 Housing Element as the Housing Element of the *San Francisco General Plan* (“General Plan”).

In response to the proposed 2014 Housing Element, which updated the Data and Needs Analysis of the 2009 Housing Element and added five additional policies, the San Francisco Planning Department (“Planning Department”) prepared Addendum 1 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 1, issued by the Planning Department on January 22, 2015, the Board found that no additional

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<sup>1</sup> San Francisco Planning Department, *2004 and 2009 Housing Element Final Environmental Impact Report*, April 24, 2014. Case No. 2007.1275E, <http://sf-planning.org/environmental-impact-reports-negative-declarations>, accessed on May 24, 2016. Unless otherwise noted, all documents cited in this report are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case No. 2016-004042ENV.

environmental review was required beyond the review in the FEIR.<sup>2</sup> On April 27, 2015, the Board adopted the 2014 Housing Element.

In response to proposed legislation to amend the locations in which ADUs may be constructed, the Planning Department prepared Addendum 2 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 2, issued by the Planning Department on July 14, 2015, the Board found that no additional environmental review was required beyond the review in the FEIR.<sup>3</sup> On September 8, 2015, the Board adopted the proposed legislation allowing the construction of ADUs in Supervisorial Districts 3 and 8.

In response to proposed legislation that would create a program allowing the construction of taller and denser buildings in exchange for a higher number of affordable dwelling units (the “Affordable Housing Bonus Program” or the “AHBP”), the Planning Department prepared Addendum 3 to the 2004 and 2009 Housing Element FEIR. The Planning Department issued Addendum 3 on January 14, 2016, and the AHBP will be considered by the Board during the second half of 2016.<sup>4</sup>

This Addendum 4 only applies to the current legislation proposed by Supervisor Peskin, the current legislation jointly proposed by Supervisors Farrell and Wiener, and the Planning Department’s proposed amendments to both pieces of legislation (see “Proposed Legislation” below).

#### *California Government Code Section 65852.2*

Pursuant to California Government Code Section 65852.2, any local agency must, by ordinance, provide for the creation of ADUs in zones that allow residential uses. The California State Legislature finds and declares that these units are a valuable form of housing in California.

#### *San Francisco 2014 Housing Element*

The Housing Element is a component of the *General Plan* and establishes the City’s overall housing policies. California State Housing Element law (California Government Code Section 65580 et seq.) requires local jurisdictions to adequately plan for and address the housing needs of all segments of its population in order to attain the region’s share of projected statewide housing goals. This law requires local governments to plan for their existing and projected housing needs by facilitating the improvement and development of housing and removing constraints on development opportunities. San Francisco’s 2014 Housing Element was required to plan for an existing and projected housing need of 28,869 new dwelling units.

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<sup>2</sup> San Francisco Planning Department, *Addendum to 2004 and 2009 Housing Element Final Environmental Impact Report, 2014 Housing Element*, January 22, 2015, Case No. 2014.1327E. Available at <http://sf-planning.org/environmental-impact-reports-negative-declarations>, accessed on May 24, 2016.

<sup>3</sup> San Francisco Planning Department, *Addendum 2 to 2004 and 2009 Housing Element Final Environmental Impact Report, Accessory Dwelling Units in Supervisorial Districts 3 and 8*, July 14, 2015, Case No. 2015-005350ENV. Available at <http://sf-planning.org/environmental-impact-reports-negative-declarations>, accessed on May 24, 2016.

<sup>4</sup> San Francisco Planning Department, *Addendum 3 to 2004 and 2009 Housing Element Final Environmental Impact Report, Affordable Housing Bonus Program*, January 14, 2016, Cases No. 2014.1304E and 2014-001503GPA. Available at <http://sf-planning.org/environmental-impact-reports-negative-declarations>, accessed on May 24, 2016.

As discussed in the City’s Housing Element, housing density standards in San Francisco have been traditionally set in terms of numbers of dwelling units in proportion to the size of the building lot. For the various zoning districts throughout the City, the San Francisco Planning Code (“Planning Code”) limits the number of dwelling units permitted on a given lot. For example, in an RH-2 (Residential, House, Two-Family) District, two dwelling units are principally permitted per lot, and one dwelling unit is permitted for every 1,500 square feet of lot area with conditional use authorization. The 2004 and 2009 Housing Elements discussed the need to increase housing stock through policies that promote intensification of dwelling unit density on developed lots. As shown in Table 1: Housing Element Policies and Implementation Measures Related to ADUs, the following policies and associated implementation measures call for the creation of ADUs and were analyzed in the Final EIR:

**Table 1: Housing Element Policies and Implementation Measures Related to ADUs**

Policies and Implementation Measures	2004 Housing Element	2009 Housing Element	2014 Housing Element
Policies	<p><b>Policy 1.8:</b> Allow secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households.</p>	<p><b>Policy 1.5:</b> Consider secondary units in community plans where there is neighborhood support and when other neighborhood goals can be achieved, especially if that housing is made permanently affordable to lower-income households.</p> <p><b>Policy 1.6:</b> Consider greater flexibility in the number and size of units within established building envelopes in community plan areas, especially if it can increase the number of affordable units in multi-family structures.</p>	<p><b>Policy 1.5:</b> Consider secondary units in community planning processes where there is neighborhood support and when other neighborhood goals can be achieved, especially if that housing is made permanently affordable to lower-income households.</p>
Implementation Measures	<p><b>Implementation Measure 1.8.1:</b> The Board has introduced Planning Code amendments to allow secondary units in new buildings that are in close proximity to neighborhood commercial districts and public transit.</p> <p><b>Implementation Measure 1.8.3 –</b> Ongoing planning will propose Planning Code amendments to encourage secondary units where appropriate.</p>	<p><b>Implementation Measure 13:</b> When considering legalization of secondary units within a community planning process, Planning should develop design controls that illustrate how secondary units can be developed to be sensitive to the surrounding neighborhood, to ensure neighborhood character is maintained.</p>	<p><b>Implementation Measure 13:</b> When considering legalization of secondary units within a community planning process, Planning should develop design controls that illustrate how secondary units can be developed to be sensitive to the surrounding neighborhood, to ensure neighborhood character is maintained.</p>

## PROPOSED LEGISLATION

On March 15, 2016, Supervisor Peskin introduced legislation (Board File No. 160252) to the Board that would amend the Planning Code and the Administrative Code to allow the construction of ADUs on all lots within the City and County of San Francisco in areas that allow residential uses.

On May 31, 2016, Supervisors Farrell and Wiener sponsored legislation (Board File No. 160657) that would also allow the construction of ADUs on all lots within the City and County of San Francisco in areas that allow residential uses.

Both proposed ordinances, as well as amendments that are being proposed by the Planning Department, are summarized below. Collectively, the two proposed ordinances and the proposed amendments constitute the modified project that is the subject of this Addendum 4.

### Legislation as Proposed by Supervisor Peskin

Under this proposed legislation, ADUs would be allowed in existing buildings containing dwelling units and located in zoning districts that allow residential uses, whether principally permitted or conditionally permitted, subject to the following conditions:

1. In existing buildings with up to 10 dwelling units, one ADU could be constructed. In existing buildings with more than 10 dwelling units, two ADUs could be constructed.
2. ADUs would only be allowed if they can be constructed entirely within the built envelope of an existing building or the built envelope of an existing and authorized auxiliary structure that is on the same lot.
3. ADUs would not be allowed to use space from existing dwelling units.
4. ADUs would not be allowed to eliminate or reduce existing ground-floor commercial or retail spaces in Neighborhood Commercial Districts, the Chinatown Community Business District, or the Chinatown Visitor Retail District.
5. ADUs cannot be merged with an original dwelling unit(s).
6. ADUs cannot be subdivided and sold separately.
7. ADUs cannot be used for short-term rentals.
8. ADUs cannot be constructed in buildings with the following no-fault eviction history:
  - a. owner move-in eviction within the five years prior to the building permit application date for the ADU pursuant to Administrative Code Section 37.9(a)(8); or
  - b. eviction related to condominium conversion, demolition, capital improvements, substantial rehabilitation, Ellis Act withdrawal, or lead remediation within the 10 years prior to the building permit application date for the ADU pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14).

Under this proposed legislation, waivers from Planning Code requirements related to rear yard, usable open space, dwelling unit exposure, and off-street parking would still be available to ADUs. However, for ADUs contained in buildings that are proposed to be raised three feet as part of seismic retrofitting, the

exemption from neighborhood notification under Planning Code Sections 311 and 312 would no longer be available.

Under this proposed legislation, the Residential Rent Stabilization and Arbitration Ordinance would be applicable to any ADU constructed in an existing building containing rental units at the time that the building permit application for the ADU is filed as long as certain waivers from Planning Code requirements are obtained. The Planning Department would be responsible for evaluating and monitoring the affordability of ADUs and monitoring the prohibition on using ADUs as short-term rentals. The Planning Department would publish an annual report through April 1, 2019. In subsequent years, the information collected would be included in the annual Housing Inventory.

### **Legislation as Proposed by Supervisors Farrell and Wiener**

Under this proposed legislation, ADUs would be allowed in existing buildings containing dwelling units and located in zoning districts that allow residential uses, whether principally permitted or conditionally permitted, subject to the following conditions:

1. In existing buildings containing up to four dwelling units, one ADU could be constructed. In existing buildings containing more than four dwelling units, an unlimited number of ADUs could be constructed.
2. In RH-1(D) Districts, ADUs would be allowed only as mandated by California Government Code Section 65852.2 and only in strict compliance with the requirements of California Government Code Section 65852.2(b).
3. ADUs would only be allowed if they can be constructed entirely within the built envelope of an existing building or the built envelope of an existing and authorized auxiliary structure that is on the same lot. The built envelope shall include all spaces included in Zoning Administrator Bulletin No. 4, as amended from time to time, as well as any infilling underneath rear extensions.
4. ADUs would not be allowed to use space from existing dwelling units.
5. ADUs would not be allowed to eliminate, or reduce by more than 25 percent, existing ground-floor commercial or retail spaces in Neighborhood Commercial Districts, the Chinatown Community Business District, or the Chinatown Visitor Retail District.
6. ADUs cannot be merged with an original dwelling unit(s).
7. ADUs may be subdivided and sold separately.
8. ADUs cannot be used for short-term rentals.
9. ADUs cannot be constructed in buildings with the following no-fault eviction history:
  - a. owner move-in eviction within the five years prior to the building permit application date for the ADU pursuant to Administrative Code Section 37.9(a)(8); or
  - b. eviction related to condominium conversion, demolition, capital improvements, substantial rehabilitation, Ellis Act withdrawal, or lead remediation within the 10 years prior to the building permit application date for the ADU pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14).

Under this proposed legislation, waivers from Planning Code requirements related to rear yard, usable open space, dwelling unit exposure, and off-street parking would still be available to ADUs. In addition, for ADUs contained in buildings that are proposed to be raised three feet as part of seismic retrofitting, the exemption from neighborhood notification under Planning Code Sections 311 and 312 would still be available.

Under this proposed legislation, the Residential Rent Stabilization and Arbitration Ordinance would be applicable to any ADU constructed in an existing building containing rental units at the time that the building permit application for the ADU is filed. The Planning Department would be responsible for evaluating and monitoring the affordability of ADUs and monitoring the prohibition on using ADUs as short-term rentals. The Planning Department would publish an annual report through April 1, 2019. In subsequent years, the information collected would be included in the annual Housing Inventory.

### **Proposed Amendments to Legislation**

The Planning Department is proposing the following amendments to the legislation introduced by Supervisors Peskin and Supervisors Farrell and Wiener:

1. Remove the cap on the number of ADUs allowed per lot in existing mid- to large-sized buildings (those containing more than four units).
2. Allow ADUs to be constructed as part of newly constructed small-sized buildings (those containing up to four units).
3. Allow ADUs to be constructed as part of ground-floor expansions of existing building envelopes (i.e., no vertical additions). Such ground-floor expansions would be subject to applicable Planning Code requirements governing buildable area.
4. Clarify that the definition of existing building envelope includes spaces listed in Zoning Administrator Bulletin No. 4 that are exempt from neighborhood notification under Planning Code Sections 311 and 312.
5. ADUs involving mergers with existing dwelling units shall be subject to the same controls regulating the mergers of unauthorized units as set forth in Planning Code Section 317.
6. Allow ADUs to be subdivided and sold separately.
7. The prohibition on adding ADUs in existing buildings with an eviction history shall be applied prospectively (i.e., the prohibition shall apply if there are evictions after the effective date of the ordinance). Existing buildings with temporary evictions (e.g., capital improvements, substantial rehabilitation, lead remediation, etc.) in which dwelling units have been offered to or reoccupied by the evicted tenants shall be exempt from the prohibition.
8. Amend Planning Code Section 207(c)(4)(C)(vi)c., which allows a building undergoing seismic retrofitting to be raised three feet, to correctly refer to Building Code Section 34 instead of Building Code Section 34B. Clarify that this three-foot height increase is exempt from the existing built envelope limitation for ADUs.

**Table 2: Comparison of Proposed ADU Ordinances and Proposed Amendments**

	<b>Supervisor Peskin's Ordinance</b>	<b>Supervisors Farrell and Wiener's Ordinance</b>	<b>Planning Department's Proposed Amendments</b>
Eligible Properties	Properties in any zoning district that allows residential uses.	Properties in any zoning district that allows residential uses, except as discussed below.  In RH-1(D) Districts, ADUs would be allowed only as mandated by California Government Code Section 65852.2 and only in strict compliance with California Government Code Section 65852.2(b).	No changes proposed.
ADUs in Existing Buildings	One ADU permitted in existing buildings with up to 10 units.  Two ADUs permitted in existing buildings with more than 10 units.	One ADU permitted in existing buildings with up to four units.  No limit on number of ADUs in buildings with more than four units.	One ADU permitted in existing buildings with up to four units.  No limit on number of ADUs in buildings with more than four units.
ADUs as Part of New Construction	Not permitted	Not permitted	One ADU permitted for buildings containing up to four units. The smallest unit shall be designated as the ADU.
ADUs Involving Expansion of Built Envelope	Not permitted	Not permitted, except as discussed below.  The definition of built envelope shall include all spaces listed in ZA Bulletin No. 4, as amended from time to time, and infilling underneath rear extensions.	Permitted on ground floor only.  The definition of built envelope shall include all spaces listed in ZA Bulletin No. 4 that are exempt from neighborhood notification under Planning Code Sections 311 and 312.
ADUs Involving Buildings Being Raised Three Feet as Part of Seismic Retrofitting	Not exempt from neighborhood notification under Planning Code Sections 311 and 312	Exempt from neighborhood notification under Planning Code Sections 311 and 312	The three-foot height increase shall be included in the definition of built envelope.

	<b>Supervisor Peskin's Ordinance</b>	<b>Supervisors Farrell and Wiener's Ordinance</b>	<b>Planning Department's Proposed Amendments</b>
ADUs Involving Use of Space from Existing Units	Not permitted	Not permitted	No changes proposed.
Elimination or Reduction of Ground-Floor Commercial or Retail Uses in NCDs, the CCB District, or the CVR District	Elimination of such a use is not permitted.  Reduction of the floor area of such a use is not permitted.	Elimination of such a use is not permitted.  Reduction of up to 25 percent of the floor area of such a use is permitted.	No changes proposed.
Mergers of ADUs with Original Units	Not permitted	Not permitted	Subject to controls regulating mergers of unauthorized units (Planning Code Section 317).
Subdivision and Sale of ADUs	Not permitted	Permitted	Permitted
Use of ADUs as Short-Term Rental Units	Not permitted	Not permitted	No changes proposed.
ADUs in Buildings with Eviction History	Not permitted	Not permitted	Not permitted if there is an eviction after the effective date of the ADU ordinance.  Buildings with temporary evictions in which units have been offered to or reoccupied by the evicted tenants shall be exempt from the prohibition.

For the purposes of assessing the physical environmental impacts of the modified project, the analysis in this Addendum 4 addresses the legislation as proposed by Supervisors Peskin, Farrell, and Wiener as well as all of the amendments proposed by the Planning Department.

### **Project Approvals**

The proposed legislation consists of amendments to the Planning Code and the Administrative Code and requires the following project approvals:

- Recommendation to the Board of Supervisors (*Planning Commission*)
- Findings of consistency with the *General Plan* and the eight priority policies of Planning Code Section 101.1 (*Planning Commission and Board of Supervisors*)
- Affirmation of the Planning Department's CEQA determination (*Board of Supervisors*)



- Adoption of an ordinance (*Board of Supervisors*)
- Mayoral signature of the ordinance (*Mayor*)

## ANTICIPATED DEVELOPMENT OF ADUs

It is uncertain how many ADUs would be constructed through implementation of the modified project and which specific parcels in San Francisco would be developed with ADUs. For the purpose of environmental review, the Planning Department has estimated a theoretical maximum number of ADUs that could be constructed, based on the following factors that may contribute to the overall feasibility of constructing ADUs.

### Past Trends

In 2015, the Board adopted three ordinances related to the construction of ADUs. The first ordinance, effective April 2015, allowed the construction of ADUs in existing buildings undergoing seismic retrofitting. The second and third ordinances, effective October 2015, allowed the construction of ADUs in existing buildings located in Supervisorial Districts 3 and 8. The Planning Department estimated that implementation of these two ordinances could result in a combined estimate of 3,407 potential ADUs (850 units under the seismic retrofitting ordinance and 2,557 units under the Districts 3 and 8 ordinance). Since these ordinances became effective, building permit applications for a total of 139 ADUs have been filed.

### Development Constraints

In order to determine the likely number of new units that would be constructed under the modified project, the Planning Department identified constraints that would limit the development of ADUs.

### Ownership

Existing residential buildings that are under common ownership, such as condominiums or tenancies in common (“TICs”), are unlikely to convert space to an ADU. Construction of an ADU requires the conversion of unused space to a new unit. Unused spaces that are currently used as common areas among multiple owners may be less likely to be developed into an ADU as it would require consensus among multiple owners.

### Cost

Construction of new ADUs may prove costly to property owners, further limiting the number of new ADUs that could be created by the proposed legislation. The Planning Department estimates it would cost approximately \$150,000 to \$200,000 to develop an ADU, excluding any excavation, foundation, or façade work.<sup>5</sup> If excavation is necessary to convert a space to an ADU, the cost of such conversion could increase by approximately \$100 per square foot.<sup>6</sup> In some cases, state or local building code requirements could increase the cost of conversion.

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<sup>5</sup> San Francisco Planning Department, *Executive Summary, Planning and Administrative Code Text Change, Construction of Accessory Dwelling Units in Supervisorial Districts Three and Eight*, Hearing Date: July 16, 2015.

<sup>6</sup> San Francisco Planning Department, *Accessory Dwelling Unit Handbook*, July 2015. Available at

### *Opportunity Spaces*

For ADUs that would be created through the conversion of existing spaces without expanding existing building envelopes, preexisting factors such as building layout or design may affect the total number of ADUs that could be constructed on specific sites. In addition, ADUs may not be created by removing space from existing dwelling units or, in certain zoning districts, space from ground-floor commercial or retail uses. In addition, the Residential Rent Stabilization and Arbitration Ordinance may constrain an owner's ability to construct an ADU through the conversion of existing spaces such as common areas or storage areas. As a result of these constraints, the options for creating ADUs through the conversion of existing spaces would be limited to garages, storage areas, and attics.

### *Other Factors*

In addition to the development constraints discussed above, there are socioeconomic factors that may affect the number of ADUs that could be constructed under the proposed legislation. These socioeconomic factors include the availability of financing, the current state of the local and regional real estate markets, fluctuations in the construction labor pool, the ease or difficulty of the permitting process, and neighborhood opposition to projects proposing ADUs.

### **Theoretical Maximum Number of ADUs**

There are approximately 155,468 parcels within the project area. The Planning Department eliminated some of these parcels from consideration as potential ADU sites based on eligibility requirements or because they were already evaluated for potential ADU development under previous legislation and environmental review. The characteristics of the parcels eliminated from consideration as potential ADU sites are listed below:

- Developed parcels that do not have existing residential uses
- Parcels in zoning districts that do not have residential density limits
- Parcels covered by the seismic retrofitting ADU ordinance
- Parcels covered by the Districts 3 and 8 ADU ordinances

Eliminating these parcels narrowed the number of potential ADU sites in the project area to 110,880 parcels.

The legislation proposed by Supervisor Peskin also eliminates existing buildings containing ground-floor commercial or retail uses that are located in Neighborhood Commercial Districts, the Chinatown Community Business District, or the Chinatown Visitor Retail District from the pool of potential ADU sites. However, the legislation proposed by Supervisors Farrell and Wiener would allow the reduction in the floor area of such ground-floor commercial or retail uses by up to 25 percent to accommodate new ADUs. Therefore, the Planning Department included existing buildings containing ground-floor commercial and retail uses in the aforementioned zoning districts as part of the pool of potential ADU sites.

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[http://default.sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/2015\\_ADU\\_Handbook.pdf](http://default.sfplanning.org/plans-and-programs/planning-for-the-city/accessory-dwelling-units/2015_ADU_Handbook.pdf), accessed May 26, 2016.

The Planning Department eliminated parcels with certain characteristics that would make the construction of ADUs less likely. The characteristics of these additional parcels eliminated from consideration as potential ADU sites are listed below:

- Parcels larger than 5,000 square feet that were developed after 1980 (it is assumed that post-1980 residential development includes underground parking and is less likely to include unused ground-floor space that could be converted to ADUs)
- All buildings constructed after 2000 (due to increasing land costs, it is assumed that post-2000 buildings are more space-efficient than older buildings and would be more likely to maximize the amount of living space and less likely to have unused ground-floor space that could be converted to ADUs)
- 95 percent of condominium buildings (it is assumed that more complicated logistics involving multiple owners would discourage the addition of ADUs to condominium buildings)

Eliminating the parcels listed above leaves 104,639 parcels for consideration as potential ADU sites (2,677 parcels containing five or more dwelling units and 101,962 parcels containing fewer than five dwelling units).

In estimating the potential number of ADUs for previous legislation to allow ADUs in the Castro, the Planning Department estimated that about 70 percent of all buildings in the Castro have garages or other unused ground-floor spaces that could be converted to ADUs. This estimate was based on a field survey conducted over several blocks in the Castro. The Planning Department then estimated that about 25 percent of the owners of such buildings would actually choose to construct ADUs under the Castro ADU ordinance (now superseded by Supervisor Wiener's District 8 ADU ordinance). This 25 percent factor was very conservative (i.e., it was substantially higher than the actual percentage of properties that have undergone construction to add ADUs).

The proposed legislation now under consideration would allow ADUs to be constructed on a citywide basis. At this scale, past citywide trends can more justifiably be used for estimating the number of ADUs that could be constructed instead of the two factors discussed above, which were applied to a much smaller geographic area.

Planning Department data show there are approximately 37,000 buildings to which dwelling units could be added under current zoning controls (i.e., the existing buildings are underdeveloped compared to the maximum development potential). Over the past 10 years, approximately 560 applications (an average of 56 applications per year) were filed to add between one and four dwelling units to existing buildings. Based on this data, ADUs have been added to about 0.15 percent of eligible buildings on an annual basis over the past 10 years.

Planning Department data show there are approximately 4,800 buildings that are eligible for the City's soft-story seismic retrofitting program. Under the existing seismic retrofitting ADU ordinance, effective April 2015, 72 applications have been filed to add dwelling units to existing buildings. Based on this data, over a one-year period, ADUs have been added to about 1.5 percent of buildings eligible for the City's soft-story seismic retrofitting program.

Relying on this development data, the Planning Department estimates that the proposed legislation would result in ADUs being added to eligible parcels at a rate between 0.15 percent and 1.5 percent. The ADU production rate under the proposed legislation should be higher than the 0.15 percent rate seen over the past 10 years, because:

- the proposed legislation would provide waivers from certain Planning Code requirements that were not previously available over the past 10 years;
- the City has been promoting ADUs as an infill housing strategy and anticipates more interest from property owners in the future; and
- the proposed Planning Department recommendation to allow the expansion of the building envelope on the ground floor would provide property owners who would otherwise not convert their parking spaces or other unused spaces with the opportunity to add ADUs.

The ADU production rate under the proposed legislation should be lower than the 1.5 percent rate for buildings undergoing soft-story seismic retrofitting, because:

- buildings undergoing mandatory seismic retrofitting are more likely to add ADUs under the existing seismic retrofitting ADU ordinance since they are already required to undergo construction;
- the cost of seismic retrofitting is often offset by revenue from ADUs;
- buildings undergoing mandatory seismic retrofitting are often owned by commercial property owners who are generally more knowledgeable about the construction process and have the financial resources to pursue construction; and
- the proposed legislation is not tied to buildings undergoing seismic retrofitting.

Based on all of the factors discussed above, the Planning Department used annual ADU production rates of 0.5 percent for parcels with buildings containing up to four dwelling units and 1.5 percent for parcels with buildings containing more than four dwelling units. Applying these two rates over an anticipated period of 25 years results in 12,009 parcels with buildings containing up to four dwelling units and 842 parcels with buildings containing more than four dwelling units, the owners of which might pursue the addition of ADUs.<sup>7</sup> Buildings containing up to four dwelling units could each add one ADU, for an estimated 12,009 ADUs. The Planning Department estimates that buildings containing more than four dwelling units, for which there would be no limit on the number of ADUs, would each add two ADUs (because it is unlikely that most existing buildings have sufficient space for more than two ADUs), for an estimated 1,684 ADUs. Based on these projections, a theoretical maximum of

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<sup>7</sup> For the 101,962 parcels with buildings containing up to four dwelling units, an ADU production rate of 0.5 percent was applied for the first year, resulting in 510 parcels that would be expected to add ADUs during the first year and leaving a pool of 101,452 parcels for the second year. The ADU production rate of 0.5 percent was applied to the 101,452 parcels, resulting in 507 parcels that would be expected to add ADUs during the second year and leaving a pool of 101,035 parcels for the third year. This calculation was repeated for Years 3 through 25. The parcels that would be expected to add ADUs each year were then added together to determine the 25-year total of 12,009 parcels. The same methodology was applied to the 2,677 parcels with buildings containing more than four dwelling units using an ADU production rate of 1.5 percent.

13,693 potential ADUs might be constructed on a citywide basis over an anticipated period of 25 years (about 550 ADUs per year).

This number is a theoretical maximum that relies on much higher annual rates of ADU production than what has occurred in the past. The theoretical maximum number of ADUs discussed above is a reasonable basis for assessing the physical environmental impacts of the modified project under CEQA.

## **PROJECT SETTING**

San Francisco is a consolidated city and county located on the tip of the San Francisco Peninsula with the Golden Gate Strait to the north, San Francisco Bay to the east, San Mateo County to the south, and the Pacific Ocean to the west. San Francisco has an area of approximately 49 square miles. Although San Francisco is densely developed, there are vacant and underused lots that can be developed or redeveloped. These lots are located throughout San Francisco, and many are currently zoned to allow residential uses.

## **ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS**

San Francisco Administrative Code Section 31.19(c)(1) states that a modified project must be reevaluated and that “[i]f, on the basis of such reevaluation, the Environmental Review Officer (“ERO”) 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.”

CEQA Guidelines Section 15164 provides for the use of an addendum to document the basis of a lead agency’s decision not to require a Subsequent or Supplemental EIR for a change to a project that has been analyzed in a certified EIR. The lead agency’s decision to use an addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines Section 15162, are not present.

The modified project, which would implement the policies and measures related to intensifying dwelling unit density referenced in the Housing Element, would not result in any new significant environmental impacts, substantially increase the severity of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR. The effects associated with the modified project would be substantially the same as those reported for the FEIR, and thus no supplemental or subsequent EIR is required. The following discussion provides the basis for this conclusion.

### **2004 and 2009 Housing Element FEIR Conclusions**

The 2009 Housing Element adopted policies that generally encouraged housing and higher density housing along transit lines and in proximity to other infrastructure and neighborhood services, such as open space and childcare providers. The 2009 Housing Element policies also encouraged higher density through a community planning process and, for affordable housing projects, promoted the construction of multifamily housing. The 2004 and 2009 Housing Element FEIR identified less-than-significant environmental impacts for the following environmental topics:

- Land Use and Land Use Planning
- Aesthetics
- Population and Housing
- Cultural and Paleontological Resources
- Air Quality
- Greenhouse Gas Emissions
- Wind and Shadow
- Recreation
- Utilities and Service Systems
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Mineral and Energy Resources
- Agricultural and Forest Resources.

The FEIR found that significant effects related to encouraging new residential development along streets with noise levels above 75 dBA  $L_{dn}$  can be avoided or reduced to a less-than-significant level with mitigation, and a mitigation measure addressing the issue was incorporated into the adopted Housing Element as an implementation measure.<sup>8, 9</sup> The FEIR found also that adoption of the 2009 Housing Element would potentially result in significant environmental effects on the transit network that could not be mitigated to a less-than-significant level with implementation of feasible mitigation measures. The policies in the 2014 Housing Element were substantially the same as those in the 2009 Housing Element, and the adoption of the 2014 Housing Element did not change the conclusions in the FEIR.

### **Changed Circumstances Since the Certification of the FEIR**

Since the certification of the FEIR, a number of revisions have been made to the Planning Code, *General Plan*, and other city policies and regulations (e.g., the Inclusionary Housing Program, Standards for Bird-Safe Buildings, the Transportation Sustainability Fee) related to housing and development in San Francisco. Most changes to the Planning Code and other documents can be found on the Planning Department's website: <http://sf-planning.org/planning-code-change-summaries>. Those changes were independent from the adoption of the Housing Element and have undergone independent review under CEQA. The revisions primarily pertain to neighborhood-specific issues, and none of them would result in changes that substantially deviate from the overarching goals and objectives that were articulated in the 2009 or 2014 Housing Element (such as directing growth to certain areas of the City, promoting preservation of residential buildings, etc.) in a way that could render the conclusions in the FEIR invalid or inaccurate. These revisions to the regulatory environment also would not be expected to increase the severity of impacts discussed in the FEIR. Furthermore, no new information has emerged that would materially change the analyses or conclusions set forth in the FEIR. Any additional draft amendments proposed for adoption, but not yet adopted, would be reviewed for environmental impacts prior to adoption.

### **Changes to Housing Projections**

The FEIR contains population and housing projections that have since been updated. As reported in the 2014 Housing Element, the 2012 American Community Survey estimated San Francisco's population to be about 807,755.<sup>10</sup> The Association of Bay Area Governments projects continued population growth to

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<sup>8</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>9</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.

<sup>10</sup> San Francisco Planning Department, *2014 Housing Element, Part I*, p. I.4.

981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed over the next 18 years.<sup>11</sup> In comparison, the 2009 Housing Element projected San Francisco's population at 934,000 by 2030. Household growth, an approximation of the demand for housing, currently indicates a need for some 72,530 new units in the 18 years from 2012 to 2030. As with the 2009 and 2014 Housing Elements, the modified project would not change the population and housing projections, because those projections are due to and influenced by births, deaths, migration rates, and employment growth. Rather, the modified project would influence the location and type of residential development that would be constructed to meet demand.

## **Land Use and Land Use Planning**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to land use and land use planning. The 2009 Housing Element would not conflict with applicable land use plans, policies, or regulations, including, but not limited to, the *San Francisco General Plan (General Plan)*, the *San Francisco Countywide Transportation Plan*, and the *San Francisco Bicycle Plan*. Individual development projects would be reviewed for consistency and compliance with applicable land use plans, policies, or regulations. The 2009 Housing Element would not physically divide established communities by promoting the construction of physical barriers to neighborhood access, such as new freeways, or by removing existing means of access, such as bridges or roadways. The 2009 Housing Element would not have a substantial impact upon the existing character of San Francisco. Individual development projects would undergo design review to ensure that new construction is compatible with the neighborhoods in which the projects are located. In addition, individual development projects would be reviewed for compliance with San Francisco Planning Code (Planning Code) regulations to ensure that the proposed land uses are permitted in the zoning districts in which the projects are located.

### ***Modified Project***

The modified project would promote housing in established neighborhoods throughout San Francisco and would result in buildings that could be denser than what is currently permitted under existing regulations.

Plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect are those that directly address environmental issues and/or contain targets or standards that must be met in order to maintain or improve characteristics of the City's physical environment. Examples of such plans, policies, or regulations include the Bay Area Air Quality Management District's *2010 Clean Air Plan* and the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*. The modified project would not directly conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. ADUs proposed under the modified project would be evaluated by City decision-makers for their consistency with such plans, policies, or regulations, and conflicts would need to be addressed prior to the approval of any entitlements.

The modified project would not physically divide established communities by calling for the construction of physical barriers to neighborhood access, such as freeways, or the removal of existing means of access, such as bridges and roadways. ADUs would generally be constructed in established neighborhoods with existing infrastructure. New freeways would not need to be constructed to provide access to and from

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<sup>11</sup> Association of Bay Area Governments, *Projections 2013*, p. 75.

these ADUs, and existing bridges and roadways would not need to be removed to accommodate the development of these ADUs.

The modified project would not have a substantial impact on the existing land use character of San Francisco, because it would promote housing in zoning districts that allow residential uses. The construction of ADUs would add housing to established neighborhoods in which residential uses already exist. Therefore, ADUs would be compatible with the existing land use character of the neighborhoods in which they would be constructed. The construction of ADUs could result in buildings that are denser than existing development. However, the increased density would not affect the land use character of a neighborhood in which an ADU is located, because new residential uses would be compatible with existing residential uses whether they are housed in a building with fewer units or a building with more units. The physical environmental impacts associated with denser buildings are discussed under the topics of Population and Housing, Recreation, Utilities and Service Systems, and Public Services.

For these reasons, the modified project would result in less-than-significant impacts related to land use and land use planning. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to land use and land use planning.

## **Aesthetics**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on aesthetics. The 2009 Housing Element would not have a substantial adverse effect on a scenic vista, would not damage scenic resources that contribute to a scenic public setting, and would not degrade the existing visual character of San Francisco. As discussed in the FEIR, future development would be required to comply with existing regulations adopted for the purpose of avoiding such impacts. The FEIR also found that the 2009 Housing Element would not create new sources of substantial light and glare that would adversely affect day or nighttime views or would substantially affect other people or properties. New exterior lighting associated with future development would be focused on specific areas rather than illuminating large areas that are currently not illuminated. Furthermore, all future development would be required to comply with Planning Commission Resolution No. 9212, which prohibits the use of highly reflective or mirrored glass in new construction.

### ***Modified Project***

The modified project would promote housing in established neighborhoods throughout San Francisco and, in some cases, would result in newly constructed buildings that could alter the visual character of the areas in which they are located.

CEQA was amended in 2013 to add Public Resources Code ("PRC") Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.<sup>12</sup>

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<sup>12</sup> A "transit priority area" is defined in as an area within one-half mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with



PRC Section 21099(d) 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:

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

Since the modified project would promote housing on sites in established neighborhoods, most, if not all, ADUs would meet all three of the criteria listed above. Pursuant to PRC Section 21099, ADU projects that meet the three criteria listed above would not result in significant impacts related to aesthetics. ADU projects would not result in expansions of existing buildings or newly constructed buildings that would be larger than what is permitted under current zoning controls such that scenic vistas, scenic resources, or the visual character of the surroundings would be affected.

For these reasons, the modified project would result in less-than-significant impacts related to aesthetics. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR’s conclusions regarding impacts related to aesthetics.

## **Population and Housing**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to population and housing. As noted above, population growth in San Francisco and the region is primarily a result of births, deaths, migration, and employment growth. The growth projections in the FEIR were not driven by assumptions regarding proposed development. The purpose of the 2009 Housing Element is to provide ways for housing supply to meet housing demand and need; if housing supply were the basis for the growth projections, there would be no need for a housing element. For this reason, the 2009 Housing Element would not induce a substantial amount of population growth above the level anticipated in regional growth projections generated by the Association of Bay Area Governments. Implementation of the 2009 Housing Element would not displace substantial numbers of existing housing units or people. Individual development projects would be subject to regulations that limit the demolition and merger of existing housing units, which would reduce the need to construct replacement housing.

### ***Modified Project***

The modified project would not directly induce population growth above that anticipated by regional growth projections based on births, deaths, migration and employment growth; rather, it would be a new mechanism for providing housing supply to meet demand. In addition, the modified project would not

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a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A map of transit priority areas in San Francisco can be found at <http://sfmea.sfplanning.org/CEQA%20Update-SB%20743%20Summary.pdf>.

indirectly induce substantial population growth by calling for the extension of roads, utilities, or other infrastructure. The modified project would promote housing in established neighborhoods that are already served by roads, utilities, and other infrastructure. ADUs proposed under the modified project would be evaluated for their impacts on demand for roads, utilities, and other infrastructure.

Newly constructed buildings containing ADUs could involve the demolition of existing buildings containing dwelling units. These types of development projects would be subject to local policies and regulations that protect existing housing stock. These policies and regulations include, but are not limited to, the Housing Element of the General Plan; Planning Code Section 317: Loss of Dwelling Units through Demolition, Merger, and Conversion; San Francisco Administrative Code (Administrative Code) Chapter 41: Residential Hotel Unit Conversion and Demolition Ordinance; Administrative Code Chapter 41A: Residential Unit Conversion Ordinance; and Administrative Code Chapter 41C: Time-Share Conversion Ordinance. Required compliance with these policies and regulations would ensure that newly constructed buildings containing ADUs would not displace substantial numbers of existing housing units or residents, thus minimizing the demand for replacement housing and the environmental impacts associated with the construction of replacement housing.

The modified project would not directly displace businesses, but the construction of new buildings containing ADUs could involve the demolition of existing buildings occupied by businesses. The physical effects of business displacement would be considered on an individual basis as part of the environmental review process for each project, because such impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that the modified project would result in significant overall impacts related to business displacement.

Although businesses are not afforded the same type of protection as residents where displacement is concerned, the City operates several programs to assist displaced businesses. The Office of Economic and Workforce Development runs the Invest in Neighborhoods program, which helps displaced businesses find relocation sites and, under certain circumstances, can provide funding for specific construction improvements, such as façade upgrades. The Small Business Development Center offers pro bono legal advice and technical assistance, and the Office of Small Business provides one-to-one case management assistance with licenses, permits, and financing.

For these reasons, the modified project would result in less-than-significant impacts related to population and housing. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to population and housing.

## **Cultural and Paleontological Resources**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element could result in a substantial adverse change to a historic resource if it promoted inappropriate alterations to or demolition of an existing building that is a historic resource, inappropriate new construction in a historic district, or demolition by neglect.<sup>13</sup> The

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<sup>13</sup> CEQA defines "substantial adverse change" as "demolition, destruction, relocation or alteration," activities that would impair the significance of a historical resource either directly or indirectly. Demolition by neglect is the

FEIR also found that assessing such impacts on historic resources would be most appropriate during the review of individual development projects proposed under the 2009 Housing Element. Such impacts would be offset through required compliance with existing federal, state, and local regulations that protect historic resources.

The FEIR also found that the 2009 Housing Element would not result in a substantial adverse change to an archeological resource, would not destroy a paleontological resource or site or unique geologic feature, and would not disturb human remains. Individual development projects that could have potential impacts on archeological resources, paleontological resources, or human remains would be subject to existing regulations that protect such resources. These regulations include, but are not limited to, the National Historic Preservation Act and the California Public Resources Code. In addition, the Planning Department has established procedures to assess impacts on archeological resources as well as mitigation measures to reduce potentially significant impacts to less-than-significant levels.

### *Modified Project*

The modified project would not directly alter existing historic resources, but ADUs proposed under the modified project could result in direct effects on historic resources. An existing building that is a historic resource could undergo a ground-floor expansion to accommodate ADUs, or it could be demolished and replaced with a newly constructed building containing ADUs. In addition, a newly constructed building containing ADUs could be located on a parcel within the boundaries of an existing historic district.

Regarding ADUs that are constructed within existing building envelopes (i.e., no expansion), private interior spaces are not considered historic resources under CEQA. Therefore, the construction of ADUs within existing building envelopes would not result in significant impacts on historic resources.

Development projects that do not include ADUs but involve the demolition or alteration of historic resources or new construction in existing historic districts can currently be proposed by developers and evaluated and approved by the City. Potential impacts on historic resources from development projects, whether or not they contain ADUs, would be evaluated on a project-by-project basis, because impacts on historic resources are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall impacts on historic resources.

The modified project would not directly place or encourage housing in areas of San Francisco that could be underlain by soils containing archeological resources, paleontological resources (i.e., fossils), or human remains. However, ADUs proposed under the modified project could be located in such areas. Required compliance with existing federal, state, and local regulations and procedures would ensure that projects containing ADUs would not result in a substantial adverse change to an archeological resource, would not destroy a paleontological resource or site or unique geologic feature, and would not disturb human remains.

For these reasons, the modified project would result in less-than-significant impacts on cultural and paleontological resources. The modified project would not result in more severe impacts than the

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gradual deterioration of a building when routine or major maintenance is not performed and/or when a building is allowed by the owner to remain vacant and open to vandals.

2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on cultural and paleontological resources.

## **Transportation and Circulation**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic. However, the FEIR concluded that the 2009 Housing Element would result in a significant and unavoidable transit impact, because policies in the 2009 Housing Element that encourage transit-oriented residential development could result in a mode shift toward transit. Such a shift could result in an exceedance of the San Francisco Municipal Railway's capacity utilization standard of 85 percent. The FEIR identified two mitigation measures to address this impact. The first mitigation measure called for the City to implement various transportation plans and programs that would reduce congestion and decrease transit travel times.<sup>14</sup> Since the certification of the FEIR, the Transit Effectiveness Project and the Van Ness Avenue Bus Rapid Transit Project have been approved and are being implemented. The second mitigation measure called for the San Francisco Municipal Transportation Agency to increase capacity by providing more buses. At the time that the FEIR was certified, the feasibility of these mitigation measures could not be established. For this reason, the FEIR concluded that the 2009 Housing Element's impact on transit would be significant and unavoidable.

### ***Modified Project***

The modified project would promote housing in established neighborhoods throughout San Francisco, many of which are well-served by public transit. The modified project would be consistent with many local plans, policies, and regulations, including the *General Plan*, the *San Francisco Countywide Transportation Plan*, and the City's Transit First Policy. This type of transit-oriented development would help encourage residents to move away from the use of private automobiles and toward alternative modes of transportation, such as transit, bicycling, and walking. This mode shift would help reduce impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic. Although this mode shift is consistent with the 2009 Housing Element policies, it has the potential to increase the demand for transit service to the degree that the San Francisco Municipal Railway's capacity utilization of 85 percent would be exceeded.<sup>15</sup>

Since ADUs would be distributed on a citywide basis, the associated impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic would also be distributed on a citywide basis instead of being concentrated in a small number of neighborhoods. As a result, these impacts would not be expected to be more severe than those identified in the FEIR. Similarly, ADU-related transit trips would be distributed across the citywide transit network instead of being

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<sup>14</sup> The FEIR noted that various transportation plans were adopted, but not implemented, or proposed. Adopted plans/programs included SF Park, SF Go, the *San Francisco Bicycle Plan*, the Transbay Terminal, Caltrain Electrification, and High Speed Rail project, and the Central Subway. Proposed plans included congestion pricing, SFMTA's Transit Effectiveness Project, the Van Ness Avenue and Geary Boulevard Bus Rapid Transit projects, and the *San Francisco Better Streets Plan*.

<sup>15</sup> Capacity utilization is the number of passengers on board a transit vehicle relative to the total capacity.

concentrated on a small number of transit lines. As a result, ADU-related transit trips would not be expected to overburden the transit network and result in more severe impacts than those identified in the FEIR.

For these reasons, the modified project would result in less-than-significant impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic, but it would result in a significant and unavoidable impact on transit. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on transportation and circulation.

## Noise

### *2009 Housing Element*

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to a substantial temporary or periodic increase in ambient noise levels due to policies that discourage demolition and encourage maintenance of the City's existing housing stock. In addition, all construction activities are required to comply with the regulations set forth in the San Francisco Noise Ordinance ("Noise Ordinance").

The FEIR concluded that the 2009 Housing Element would not result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, because potential impacts resulting from groundborne vibration or groundborne noise due to construction activities would be reduced to less-than-significant levels through compliance with federal, state, and local regulations. The FEIR also found that the 2009 Housing Element would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing at the time of that the Notice of Preparation of an EIR was published.

Lastly, the FEIR concluded that the 2009 Housing Element would result in a significant but mitigable impact related to the exposure of persons to, or generation of, noise levels in excess of established standards. The FEIR concluded that by encouraging future growth along transit corridors within the City, such growth could be located in areas with existing ambient noise levels exceeding 60 dBA L<sub>dn</sub>, which is the maximum satisfactory exterior noise level for residential areas.<sup>16, 17</sup> Interior noise levels for residential uses are addressed through compliance with the noise standards set forth in Title 24 of the California Code of Regulations, as implemented during the design and review phase for individual development projects. However, some areas of the City may be especially noisy. FEIR Mitigation Measure M-NO-1: Interior and Exterior Noise, requires the preparation of a noise analysis for new residential development projects located on streets with noise levels above 75 dBA L<sub>dn</sub>. The noise analysis shall include, at a minimum, (1) a site survey to identify potential noise-generating uses within two blocks of the project site and (2) at least one 24-hour noise measurement with maximum noise level readings taken at least every 15 minutes prior to completion of the environmental review. The analysis shall demonstrate with reasonable certainty that

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<sup>16</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>17</sup> L<sub>dn</sub> is the average equivalent sound level during a 24-hour day, obtained after the addition of 10 dB to sound levels during nighttime hours (from 10:00 p.m. until 7:00 a.m.).

Title 24 standards, where applicable, can be met. FEIR Mitigation Measure M-NO-1 also requires that open space for new residential uses be protected, to the maximum extent feasible, from existing ambient noise that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve designing the project in a way that uses the building itself to shield on-site open space from noise sources, constructing noise barriers between on-site open space and noise sources, and appropriately using both common and private open space in multi-unit residential buildings. Since the certification of the FEIR, this mitigation measure has been implemented as part of every proposed residential project that (1) is located on a street with ambient noise levels above 75 dBA L<sub>dn</sub> and/or (2) includes open space.

### ***Modified Project***

The modified project would promote housing in areas of San Francisco that could have existing ambient noise levels exceeding 60 dBA L<sub>dn</sub>. ADUs proposed under the modified project would be required to comply with the noise standards set forth in Title 24 as well as the provisions of the Noise Ordinance.

A 2015 California Supreme Court decision 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.<sup>18</sup> The addition of ADUs to existing residential buildings or as part of newly constructed residential buildings would result in incremental increases in dwelling unit density in various locations throughout San Francisco. These incremental increases in dwelling unit density are not expected to exacerbate existing environmental hazards.

Construction of ADUs would result in temporary site-specific increases in noise and vibration levels. Once construction has been completed, noise and vibration produced by construction equipment and construction vehicles would cease. In addition, all construction activities in San Francisco are required to comply with the Noise Ordinance, which prohibits construction between the hours of 8:00 p.m. and 7:00 a.m. Construction of ADUs would generate vibration that could damage adjacent or nearby buildings. The Department of Building Inspection (DBI) is responsible for reviewing building permit applications to ensure that proposed construction activities, including pile driving, shoring, and underpinning, comply with all applicable procedures and requirements and would not materially impair adjacent or nearby buildings.

Vehicle traffic is a primary source of noise and vibration throughout San Francisco. Like the 2009 Housing Element, the modified project would promote housing in established neighborhoods, some of which are along or near major transportation corridors that have higher ambient noise and vibration levels than other areas of San Francisco. Although buildings containing ADUs could be denser than development anticipated under the 2009 Housing Element, such buildings would not include substantially more units such that there would be a noticeable increase in traffic noise and vibration.

Newly constructed buildings containing ADUs could include mechanical equipment, such as heating and ventilation systems, that could produce operational noise and potentially disturb adjacent and nearby noise-sensitive receptors. The operation of this mechanical equipment is subject to the provisions of the Noise Ordinance. Compliance with the Noise Ordinance would minimize noise from building operations.

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<sup>18</sup> 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>, accessed on May 25, 2016.

For these reasons, the modified project would result in less-than-significant noise and vibration impacts. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding noise and vibration impacts.

## **Air Quality**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on air quality. As discussed in the FEIR, the 2009 Housing Element would not increase the overall citywide population from 2009 to 2025 above the level assumed in the *Bay Area 2005 Ozone Strategy*, which was the applicable air quality plan at the time the FEIR was prepared. During this 16-year period, the number of vehicle-miles-traveled would increase at a lower rate than the rate of population growth, meaning that air pollution from vehicles would not outpace the population growth anticipated in the *Bay Area 2005 Ozone Strategy*. For these reasons, the 2009 Housing Element would not conflict with or obstruct implementation of the applicable air quality plan and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. In addition, all construction activities associated with individual development projects would be subject to the provisions of the Construction Dust Control Ordinance.

The FEIR concluded that the 2009 Housing Element would not expose sensitive receptors to substantial air pollutant concentrations. Increased housing development along or near transit corridors could increase concentrations of certain air pollutants, including PM<sub>2.5</sub>, NO<sub>2</sub>, and toxic air contaminants, on some roadways within San Francisco. At the same time, increased density and associated shifts from private automobiles to alternative modes of transportation, such as transit, bicycling, and walking, could reduce the overall expected growth of vehicle trips and vehicle-miles traveled. In addition, Article 38 of the San Francisco Health Code contains requirements for air quality assessment and mitigation when new residential exposures exceed action levels for acceptable air pollutant concentrations.

The FEIR also concluded that the 2009 Housing Element would result in less-than-significant impacts related to carbon monoxide (CO) concentrations. To support this conclusion, CO concentrations were calculated based on simplified CALINE4 screening procedures developed by the Bay Area Air Quality Management District (BAAQMD). Based on the modeling, under future 2025 cumulative traffic conditions, none of the 10 worst-performing intersections included in the model would exceed CO standards. Thus, it was assumed that if CO levels at the 10 worst-performing intersections do not exceed the CO thresholds, then the remaining 50 intersections analyzed in the traffic study would not exceed the CO thresholds.

Lastly, the FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to objectionable odors, because residential uses generally do not create objectionable odors.

### ***Modified Project***

The modified project would not directly contribute to air pollutant emissions, but ADUs proposed under the modified project would contribute to air pollutant emissions during their construction and operational phases. ADUs would be subject to state, regional, and local plans, policies, and regulations related to the

protection of air quality. These plans, policies, and regulations include, but are not limited to, the BAAQMD's *2010 Clean Air Plan*, the San Francisco Construction Dust Control Ordinance, and Article 38 of the San Francisco Health Code. The Construction Dust Control Ordinance requires that all site preparation work, demolition, or other construction activities that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures. Such measures include watering all active construction areas sufficiently to prevent dust from becoming airborne, wet sweeping or vacuuming the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday, and covering inactive stockpiles of excavated material, backfill material, gravel, sand, road base, and soil. Pursuant to Article 38, any development project located in an Air Pollutant Exposure Zone (APEZ) would be required to provide an enhanced ventilation system to protect its residents from exposure to toxic air contaminants. In addition, any development project located in an APEZ may be subject to mitigation measures that are necessary to reduce construction-related air quality impacts to less-than-significant levels. Required compliance with these plans, policies, and regulations would ensure that ADUs would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial air pollutant concentrations.

Residential uses generally do not create objectionable odors. Land uses that commonly create objectionable odors include wastewater treatment plants, oil refineries, landfills, and composting facilities. Since the modified project would not include these types of land uses, implementation of the modified project would not create objectionable odors.

For these reasons, the modified project would result in less-than-significant impacts on air quality. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on air quality.

## **Greenhouse Gas Emissions**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would not generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment and would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Moreover, implementation of the 2009 Housing Element would not conflict with Assembly Bill (AB) 32 or San Francisco's *Strategies to Address Greenhouse Gas Emissions*.

### ***Modified Project***

The modified project would not directly generate GHG emissions, but ADUs proposed under the modified project would generate GHG emissions during their construction and operational phases. The modified project would promote housing in established neighborhoods where jobs and other services are easily accessible by public transit or are within walking distance. This type of development would encourage the use of alternative modes of transportation (transit, bicycling, walking) and help reduce GHG emissions from the use of private automobiles, which is one of the primary sources of GHG emissions. To the degree that ADUs are concentrated closer to public transit and in taller and denser



buildings (i.e., fewer buildings in fewer locations), GHG emissions would be reduced when compared to development patterns anticipated under the 2009 Housing Element.

For these reasons, the modified project would result in less-than-significant impacts related to GHG emissions. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to GHG emissions.

## **Wind and Shadow**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant wind and shadow impacts, because the 2009 Housing Element would not directly result in the construction of projects that would alter wind or create new shadow. In addition, wind and shadow impacts are project-specific; individual development projects would be subject to the Planning Department's procedures requiring modification of any new building or addition that would exceed the Planning Code's wind hazard criterion and would be evaluated for their shadow impacts under CEQA and for compliance with Planning Code Sections 146, 147, and 295.

### ***Modified Project***

The modified project would not increase existing height and bulk limits such that taller and bulkier buildings could be constructed, resulting in wind and shadow impacts that are more severe than those identified in the FEIR. The modified project would not directly alter wind or create new shadow, but newly constructed buildings containing ADUs could alter wind or create new shadow in their respective vicinities.

Development projects that do not include ADUs but involve new construction of multi-story buildings can currently be proposed by developers and evaluated and approved by the City. Potential wind and shadow impacts from development projects proposing new construction of multi-story buildings, whether or not they contain ADUs, would be evaluated on a project-by-project basis, because wind and shadow impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall wind and shadow impacts. ADUs constructed within existing building envelopes or as part of ground-floor expansions of existing buildings would not be tall enough to alter wind or create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas.

For these reasons, the modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding wind and shadow impacts.

## **Recreation**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to the increased use of existing parks or recreational facilities, the need to construct new or expand existing recreational facilities, and the physical degradation of existing recreational resources. While the FEIR concluded that the 2009 Housing Element contains policies that could result in an increase in demand for existing recreational facilities in certain areas, the 2009 Housing Element also contains policies that could reduce the need for construction or expansion of recreational facilities by encouraging quality-of-life elements in residential developments such as on-site usable open space. The 2009 Housing Element includes measures to ensure community plan areas are adequately served by recreation facilities, thereby indirectly promoting the construction or expansion of recreational facilities. The need for new or expanded recreational facilities and their associated impacts would be determined during the evaluation of specific community plan proposals.

### ***Modified Project***

As noted above, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, implementation of the modified project would not increase the overall demand for recreational facilities above the level analyzed in the FEIR, but there could be localized fluctuations in demand for certain recreational facilities depending on where ADUs are constructed. In November 2000, San Francisco voters approved Proposition C, which extended the life of the Open Space Fund through Fiscal Year 2030-2031. The Open Space Fund is used to finance property acquisitions and capital improvement projects for the San Francisco Recreation and Park Department. A percentage of property tax revenues is set aside for the Open Space Fund, and such revenue would increase with the development of ADUs.

In addition, ADUs would be subject to Planning Code requirements for usable open space. Although ADUs would be eligible for complete or partial waivers from these requirements, they would not be entirely exempt from complying with these requirements. The granting of complete or partial waivers from open space requirements would not significantly increase demand for recreational facilities such that new open space or recreational facilities would be required. Most of the City's recreational facilities are located on properties in P (Public Use) Districts; the modified project would not reclassify any P Districts to other zoning districts that would allow residential uses. Lastly, the modified project would not convert existing recreational facilities to residential uses or otherwise physically degrade recreational resources.

For these reasons, the modified project would result in less-than-significant impacts related to recreation. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to recreation.

## Utilities and Service Systems

### *2009 Housing Element*

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on utilities and service systems. The 2009 Housing Element would not exceed wastewater treatment requirements, would not exceed the capacity of the wastewater treatment provider, and would not require the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. Such impacts would be offset through required compliance with existing regulations that address wastewater and stormwater discharges. In addition, the 2009 Housing Element would not increase water demand above the level assumed for planning purposes in the San Francisco Public Utilities Commission's (SFPUC's) Water Supply Availability Study that was prepared for the FEIR. Lastly, the 2009 Housing Element would not exceed the permitted capacity of the City's designated landfill. Any incremental increases in waste at landfills would be offset through required compliance with existing regulations that address the generation and disposal of solid waste.

### *Modified Project*

The modified project would not directly generate stormwater or wastewater, but individual ADUs proposed under the modified project would generate stormwater and wastewater during their construction and operational phases. All stormwater and wastewater generated by ADUs would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permits for the Southeast Treatment Plant and the Oceanside Treatment Plant prior to discharge into San Francisco Bay and the Pacific Ocean, respectively. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). Therefore, ADUs would not conflict with RWQCB requirements and would not exceed wastewater treatment requirements. In addition, ADUs would be subject to local regulations that include, but are not limited to, the Green Building Ordinance and the Stormwater Management Ordinance. Required compliance with these regulations would reduce stormwater and wastewater flows from ADUs, thereby ensuring that ADUs would not exceed the capacity of the wastewater treatment provider and would not require the construction of new or expansion of existing wastewater treatment and stormwater drainage facilities.

The modified project would not directly consume water, but ADUs proposed under the modified project would consume water during their construction and operational phases. As noted above, the modified project would promote housing throughout San Francisco but would not increase the overall population beyond the future growth projected in the 2009 Housing Element. For this reason, ADUs would not increase the overall demand for water above the level assumed for planning purposes in the SFPUC's Water Supply Availability Study prepared for the FEIR. In addition, ADUs would be subject to local regulations that include, but are not limited to, the Green Building Ordinance, the Green Landscaping Ordinance, and the Residential Water Conservation Ordinance. Required compliance with these regulations would reduce water consumption by ADUs, thereby ensuring that ADUs would not exceed the available water supply and would not require new or expanded water supply resources or entitlements.

The modified project would not directly generate solid waste, but ADUs proposed under the modified project would generate solid waste during their construction and operational phases. The modified

project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, ADUs would not increase the overall amount of solid waste generated above the level analyzed in the FEIR. In addition, ADUs would be subject to local regulations that include, but are not limited to, the Mandatory Recycling and Composting Ordinance, the Construction and Demolition Debris Recovery Ordinance, and the Green Building Ordinance. Required compliance with these regulations would promote the composting and recycling of solid waste and reduce the amount of solid waste sent to the City's designated landfill, thereby ensuring that AHBP projects would not exceed the permitted capacity of the City's designated landfill.

For these reasons, the modified project would result in less-than-significant impacts on utilities and service systems. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on utilities and service systems.

## **Public Services**

### *2009 Housing Element*

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on fire protection, police protection, schools, or other public services, such as libraries or public health facilities. The San Francisco Fire Department and the San Francisco Police Department regularly redeploy their resources based on need to ensure that response times and service ratios do not fall below acceptable levels. New development projects are required to pay development impact fees to fund school and library facilities and operations, which would help offset potential impacts on school and library services. The 2009 Housing Element would not increase the overall citywide population above regional growth projections for which public health facilities have accounted, which would reduce the need to construct new or expand existing facilities.

### *Modified Project*

As noted above, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, the modified project would not increase the overall demand for fire protection or police protection above the level analyzed in the FEIR. There could be localized fluctuations in demand for fire protection and police protection depending on where ADUs are constructed, but as discussed above, both the Fire Department and the Police Department regularly redeploy their resources based on need to ensure that response times and service ratios do not fall below acceptable levels. The modified project would promote housing on sites in established neighborhoods that already receive fire protection and police protection, potentially allowing the Fire Department and the Police Department to maintain response times and service ratios at or close to their current levels and reducing the need to construct new or expand existing facilities.

As discussed in the FEIR, the San Francisco Unified School District (SFUSD) assigns students to schools based on a lottery system. This lottery system ensures that student enrollment is distributed to facilities that have sufficient capacity to adequately serve the educational needs of students. Directing growth to certain areas of San Francisco generally would not affect the school system, because students are not

assigned to schools based on location. ADUs could affect school services if they create additional demand for school services that cannot be accommodated by the SFUSD's existing capacity, thereby requiring the need to construct new or expand existing facilities. At the time of the preparation of the FEIR, SFUSD facilities had a capacity of about 63,835 students, and about 56,446 students were enrolled in these facilities. More recently, approximately 58,400 students were enrolled in SFUSD facilities during the 2014-2015 school year. Pursuant to California Education Code Section 17620(a)(1), the governing board at any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. ADUs would be subject to a development impact fee, and the payment of this fee would help fund school facilities and operations and offset potential impacts on school services.

The modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, ADUs would not increase the overall demand for libraries or public health facilities, but there could be localized fluctuations in demand for libraries and public health facilities depending on where ADUs are constructed. In November 2000, San Francisco voters approved a bond measure to fund the Branch Library Improvement Program (BLIP). Among other objectives, the BLIP calls for the renovation of 16 existing branch libraries, the demolition and replacement of three branch libraries with newly constructed facilities, and the construction of a new branch library in the emerging Mission Bay neighborhood. In addition to the BLIP, property tax revenue from ADUs would help fund library facilities and operations and offset potential impacts on library services. The modified project would promote housing on sites in established neighborhoods that are already served by public health facilities, potentially allowing such facilities to maintain response times and service ratios at or close to their current levels and reducing the need to construct new or expand existing facilities.

For these reasons, the modified project would result in less-than-significant impacts on public services. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on public services.

## **Biological Resources**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on biological resources. The 2009 Housing Element would not have a substantial adverse effect on any candidate, sensitive, or special-status species, riparian habitat, other sensitive natural communities, or federally protected wetlands, and would not interfere with the movement of species. Some 2009 Housing Element policies would promote housing in certain areas of the City, consequently increasing the amount of new housing being constructed in those areas and resulting in impacts on biological resources (e.g., tree removal, construction on or near riparian habitat or sensitive natural communities, interference with migration, etc.). However, increasing density could accommodate more of the City's fair share of the Regional Housing Needs Allocation in fewer buildings, resulting in fewer construction sites and decreasing the potential for disturbance of or interference with biological resources. The FEIR also found that the 2009 Housing Element would not conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted habitat conservation plan, because the

2009 Housing Element does not contain any policies that would directly or indirectly conflict with any policies protecting biological resources or any adopted habitat conservation plans.

### ***Modified Project***

The modified project would not directly place housing in areas of San Francisco that are in or near riparian habitat or sensitive natural communities. However, ADUs proposed under the modified project could be in or near such areas. ADUs would be evaluated for their impacts on biological resources and would be required to comply with applicable federal, state, and local regulations that protect biological resources. These regulations include, but are not limited to, the federal Migratory Bird Treaty Act, Sections 3503 and 3503.5 of the California Fish and Game Code, the San Francisco Urban Forestry Ordinance, and San Francisco Planning Code Section 139: Standards for Bird-Safe Buildings. The modified project would not conflict with the provisions of an adopted habitat conservation plan, because the modified project does not contain any objectives, policies, or measures that would directly or indirectly conflict with any policies protecting biological resources or any adopted habitat conservation plans.

For these reasons, the AHBP would result in less-than-significant impacts on biological resources. The AHBP would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on biological resources.

## **Geology and Soils**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on geology and soils. Individual development projects would be developed in a seismically sound manner because they would be required to comply with building regulations for seismic safety that are enforced through the City's interdepartmental review process. Compliance with these regulations would ensure that people or structures would not be exposed to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, unstable soil, or expansive soils. The FEIR also found that the 2009 Housing Element would result in less-than-significant impacts related to soil erosion or the loss of topsoil, because these impacts are site-specific. Individual development projects would be evaluated for their impacts related to soil erosion or the loss of topsoil and would be required to comply with applicable regulations related to the prevention of erosion and the discharge of sediment into construction site runoff. Lastly, the FEIR concluded that the 2009 Housing Element would not substantially change the topography or any unique geologic or physical features of development sites, because all permit applications for excavation and grading would be reviewed by City agencies for consistency with policies related to land alteration.

### ***Modified Project***

ADUs proposed under the modified project could be located in or near areas that are susceptible to geologic hazards (e.g., earthquake faults, landslide or liquefaction zones, unstable or expansive soils). ADUs would be required to comply with the seismic safety standards set forth in the San Francisco Building Code. The DBI is the City agency responsible for reviewing building permit applications,

structural drawings and calculations, and geotechnical reports and ensuring that projects comply with the seismic safety standards and other applicable requirements of the Building Code. Project compliance with the Building Code would ensure that people or structures would not be exposed to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, unstable soil, or expansive soils. ADUs would be evaluated for their impacts related to soil erosion or the loss of topsoil and would be required to comply with applicable regulations related to the prevention of erosion and the discharge of sediment into construction site runoff. All permit applications for excavation and grading activities would be reviewed by City agencies for consistency with policies related to land alteration.

For these reasons, the modified project would result in less-than-significant impacts related to geology and soils. The AHBP would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on geology and soils.

## **Hydrology and Water Quality**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on hydrology and water quality. The 2009 Housing Element would not violate any water quality standards or waste discharge requirements, would not alter existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding, and would not 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. Individual development projects would be required to comply with applicable regulations related to erosion prevention and stormwater management, treatment, and discharge.

The FEIR also concluded that the 2009 Housing Element would not substantially deplete groundwater supplies or substantially interfere with groundwater recharge, would not result in significant impacts related to placing housing in areas at risk of flooding, and would not expose people or structures to a significant risk of injury, loss, or death involving inundation by seiche, tsunami, mudflow, or the failure of a dam or levee.

### ***Modified Project***

The modified project would not directly result in the construction of housing in areas of San Francisco that are prone to flooding or are at risk of inundation by seiche, tsunami, mudflow, or the failure of a dam or levee. However, ADUs proposed under the modified project could be located in such areas. Such ADUs would be required to comply with applicable regulations related to minimizing the risk of loss, injury, or death from hydrologic hazards. These regulations include, but are not limited to, the San Francisco Floodplain Management Ordinance and the San Francisco Building Code. Groundwater could be encountered during the construction of new buildings containing ADUs. Dewatering of excavated areas during construction would lower groundwater levels, but these effects would be temporary. Once dewatering has been completed, groundwater levels would return to normal. Wastewater and stormwater generated by ADUs would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System Permit for the

Oceanside Treatment Plant and the Southeast Treatment Plant prior to discharge into the Pacific Ocean and San Francisco Bay, respectively. Required compliance with the San Francisco Stormwater Management Ordinance would ensure that ADUs would not 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.

For these reasons, the modified project would result in less-than-significant impacts on hydrology and water quality. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on hydrology and water quality.

## **Hazards and Hazardous Materials**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to hazards and hazardous materials. The 2009 Housing Element would not transport, use, or dispose of hazardous materials and would not release hazardous materials into the environment. However, the construction of individual development projects would result in the emission of exhaust from construction equipment and vehicles as well as the demolition of older buildings that may contain asbestos, lead-based paint, or other hazardous building materials. In addition, the operation of individual development projects would involve the use of relatively small quantities of hazardous materials such as batteries, household cleaning products, and paint for routine purposes. Most of these materials are consumed through use, resulting in relatively little waste. Existing federal, state, and local regulations and programs address emissions from construction equipment and vehicles, the abatement of hazardous building materials during demolition and construction activities, and the transportation and disposal of hazardous materials. Individual development projects, including those that would be on sites on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 or would handle hazardous materials within one-quarter mile of an existing or proposed school, would be required to comply with these existing regulations and programs.

The FEIR also concluded that the 2009 Housing Element would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires. In San Francisco, fire safety is ensured through compliance with the provisions of the Building Code and the Fire Code. The building permit applications for individual development projects would be reviewed by the DBI and the Fire Department for compliance with all regulations related to fire safety.

### ***Modified Project***

The modified project would not directly result in the construction of housing on sites that are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, ADUs proposed under the modified project could be located on such sites. All development projects in San Francisco, including those located on hazardous materials sites or those that would handle hazardous materials within one-quarter mile of an existing or proposed school, would be required to comply with applicable federal, state, and local regulations and programs related to the abatement of hazardous materials, the emission of exhaust from construction equipment and vehicles, and the transportation and



disposal of hazardous materials. Required compliance with such regulations and programs would ensure that ADUs would not emit hazardous materials into the environment and would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Required compliance with fire safety regulations would ensure that ADUs would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires.

For these reasons, the modified project would result in less-than-significant impacts related to hazards and hazardous materials. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions on impacts regarding hazards and hazardous materials.

## **Mineral and Energy Resources**

### *2009 Housing Element*

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact on mineral and energy resources. The 2009 Housing Element would not result in the loss of availability of a known mineral resource, the loss of availability of a locally important mineral resource recovery site, or the use of large amounts of fuel, water, or energy.

### *Modified Project*

All land in San Francisco is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975.<sup>19</sup> This designation indicates that there is inadequate information available for assignment to any other MRZ. For this reason, ADU-eligible sites are not designated areas of significant mineral deposits or locally important mineral resource recovery sites, and the construction of ADUs would not result in the loss of availability of such resources. Furthermore, the modified project would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner, because ADUs proposed under the modified project would be required to comply with state and local ordinances that regulate such activities. In California, energy consumption for the heating, cooling, ventilation, and lighting of buildings is regulated by Title 24 of the California Code of Regulations. As part of the building permit application process, project sponsors are required to submit documentation demonstrating project compliance with Title 24 standards. In addition, projects in San Francisco are subject to the requirements of the San Francisco Green Building Ordinance.

For these reasons, the modified project would result in less-than-significant impacts on mineral and energy resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on mineral and energy resources.

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<sup>19</sup> California Division of Mines and Geology, Open File Report 96-03, 1996, and Special Report 146 Parts I and II, 1986.

## **Agriculture and Forest Resources**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to conflicts with existing zoning for agricultural use. Implementation of the 2009 Housing Element would not include any changes to the City's zoning districts and would not conflict with existing zoning for urban agricultural uses.

### ***Modified Project***

San Francisco is not zoned for agricultural use and is not subject to a Williamson Act contract.<sup>20</sup> The modified project would not convert farmland to non-agricultural use and would not conflict with existing zoning related to agricultural use. The modified project would not directly block sunlight to community gardens, but newly constructed buildings containing ADUs could block sunlight to community gardens. These projects would be evaluated for their specific shadow impacts on community gardens as part of their individual environmental review and entitlement processes.

At the time of the preparation of the FEIR, the topic of forest resources was not part of the Environmental Checklist Form (CEQA Guidelines, Appendix G). For this reason, the FEIR did not analyze impacts on forest resources. In 2010, the topic of forest resources was added to the Environmental Checklist Form. San Francisco does not contain forest land or timberland as defined in Public Resources Code Section 12220(g) and Public Resources Code Section 4526, respectively. The modified project would not convert forest land or timberland to non-forest use and would not conflict with existing zoning related to forest use.

For these reasons, the modified project would result in less-than-significant impacts on agriculture and forest resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on agriculture and forest resources.

## **MITIGATION MEASURES**

The 2004 and 2009 Housing Element FEIR identified Mitigation Measure M-NO-1: Interior and Exterior Noise, to mitigate the potentially significant impact related to interior and exterior noise to a less-than-significant level. Mitigation Measure M-NO-1 requires a noise analysis to be conducted for any new residential development located along a street with ambient noise levels exceeding 75 dBA L<sub>dn</sub> in order to demonstrate that the noise standards set forth in Title 24 can be met. In addition, any required open space for a new residential development must be protected to the maximum extent feasible from ambient noise that could be annoying or disruptive to users of the open space. Mitigation Measure M-NO-1 was adopted as Implementation Measures 17 and 18 in both the 2009 Housing Element and the 2014 Housing Element. As discussed under the topic of Noise in the "Analysis of Potential Environmental Effects" section (pp. 21-23), FEIR Mitigation Measure M-NO-1 is not applicable to the modified project.

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<sup>20</sup> California Department of Conservation, *San Francisco Bay Area Important Farmland 2010*. Available online at [ftp://ftp.consrv.ca.gov/pub/Dlrp/FMMP/pdf/regional/2012/bay\\_area\\_2012\\_fmmp\\_base.pdf](ftp://ftp.consrv.ca.gov/pub/Dlrp/FMMP/pdf/regional/2012/bay_area_2012_fmmp_base.pdf), accessed May 19, 2016.

No other FEIR mitigation measures are applicable, and no new mitigation measures have been identified in this Addendum 4.

**CONCLUSION**

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

DATE June 15, 2016

Sarah B. Jones, for

Sarah B. Jones, Environmental Review Officer  
for John Rahaim, Director of Planning