



TENTATIVE MAP DECISION

Date: November 20, 2019

Department of City Planning
 1650 Mission Street, Suite 400
 San Francisco, CA 94103

| | | | |
|-------------------------------|-------------------|--|------------|
| Project ID: | | 10242 | |
| Project Type: | | 10 Residential and 1 Commercial Units mixed-use New Condominium | |
| Address# | StreetName | Block | Lot |
| 2255 | TARAVAL ST | 2393 | 040 |
| Tentative Map Referral | | | |

Attention: Mr. Corey Teague.

Please review* and respond to this referral within 30 days in accordance with the Subdivision Map Act.

(*In the course of review by City agencies, any discovered items of concern should be brought to the attention of Public Works for consideration.)

Sincerely,

Adrian VerHagen Digitally signed by Adrian VerHagen
 DN: cn=Adrian VerHagen, o=Bureau of Street-Use and Mapping, ou=Public Works,
 email=adrian.verhagen@sfpw.org, c=US
 Date: 2019.11.19 16:40:25 -0800

for, Bruce R. Storrs, P.L.S.
 City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 ~~based on the attached findings~~. The subject referral is exempt from California Environmental Quality Act (CEQA) environmental review as categorically exempt Class , CEQA Determination Date , based on the attached checklist.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the attached conditions.

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code due to the following reason(s):

PLANNING DEPARTMENT

Signed Digitally signed by Gabriela Pantoja
 Date: 2020.04.30 13:14:08 -0700

Date

Planner's Name
 for, Corey Teague, Zoning Administrator



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2013.0499E
 Project Title: 2249-2255 Taraval Street
 Zoning: NCD (Taraval Street Neighborhood Commercial District) Use District
 Taraval Street Restaurant Subdistrict
 50-X Height and Bulk District
 Block/Lot: 2393/040
 Lot Size: 5,749 square feet (0.13 acres)
 Project Sponsor: Jeremy Schaub, Schaub Ly Architects, Inc.
 (415) 682-8060
 Staff Contact: Jennifer McKellar - (415) 575-8754
 Jennifer.McKellar@sfgov.org

PROJECT DESCRIPTION:

The project site consists of a 5,749-square-foot (sf) vacant rectangular lot located on the southeast corner of Taraval Street and 33rd Avenue in the Parkside neighborhood of the Outer Sunset district. The proposed project would construct an approximately 42-foot-tall, 18,099-sf, four-story mixed-use building with ten residential units on the upper floors and 1,356 sf of commercial use on the ground floor. The residential units would be accessed from a ground-floor lobby fronting 33rd Avenue while the commercial space would be accessed from an entrance on Taraval Street.

(Continued on next page)

EXEMPT STATUS:

Categorical Exemption, Class 32 (California Environmental Quality Act [CEQA] Guidelines Section 15332). See pages 3 to 12.

(Continued on next page)

DETERMINATION:

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



 Lisa Gibson
 Environmental Review Officer

5/22/17

 Date

cc: Jeremy Schaub, Project Sponsor
 Erika Jackson, Current Planner
 Supervisor Katy Tang, District 4, (via Clerk of the Board)

Distribution List
 Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

Two existing curb cuts on 33rd Avenue and one existing curb cut on Taraval Street would be removed. A new 10-foot-wide curb cut on 33rd Avenue would provide entry to a ground-level garage with seven vehicle parking spaces and 12 Class 1 bicycle parking spaces; Class 1 bicycle parking spaces are spaces located in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by residential and non-residential occupants including employees. Two Class 2 bicycle parking spaces would be provided on Taraval Street; Class 2 bicycle parking spaces are spaces located in publically accessible, highly visible locations intended for transient or short-term use by visitors, guests and building patrons. A common 1,092-sf second-floor rear deck would provide open space for the residential use.

The California State Density Bonus Law (California Government Code Section 65915-65918) offers incentives to developers who provide on-site affordable housing. These incentives include a maximum 35 percent density bonus above the maximum allowable density under a local jurisdiction's zoning laws, waivers from any local development standard in order to accommodate, or fit, their project on a site, and the right to request up to three incentives or concessions (generally, defined as a reduction of development standards, modifications of zoning code requirements, or approval of mixed use zoning) to offset the costs of providing affordable housing on-site. The proposed base¹ project would construct seven residential units, including one on-site affordable (50 percent area median income or below) unit in order to seek a 35 percent density bonus; this density bonus (three additional units) would allow the proposed project to construct ten residential units on the project site.

The California State Density Bonus Law also specifies that developers that provide locally required affordable units, such as through an inclusionary ordinance, are entitled to the State-mandated density bonuses, waivers, concessions and incentives. Planning Code Section 415 sets forth requirements and procedures for the San Francisco Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, this Program applies to any housing project that consists of 10 or more dwelling units. Pursuant to Planning Code Section 415.6, the proposed project, at ten dwelling units, would be required to provide 12 percent of its total constructed units, or one unit, as on-site low-income affordable housing. The proposed project would comply with Planning Section 415 by providing one affordable unit (50 percent area median income or below).

Construction of the proposed project would occur over approximately 12 months and require the use of a backhoe, bulldozer/grader, skid steer and telehandler lift. The entire 5,749-sf project site would require excavation to a maximum depth of three feet and removal of approximately 640 cubic yards of soil.

Project Approvals

The proposed project would require the following approval:

- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)

Approval Action: The proposed project is subject to notification under Section 312 of the Planning Code. If discretionary review before the Planning Commission is requested, the discretionary review hearing is

¹ The base project refers to the proposed project before the California State Density Bonus is applied.

the Approval Action for the project. If no discretionary review is requested, the issuance of a building permit by the Department of Building Inspection (DBI) is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for infill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

- a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The San Francisco General Plan, which provides general policies and objectives that guide land use decisions, contains some policies and objectives that relate to physical environmental issues. The proposed project would not conflict with any such General Plan policies or objectives.

The proposed project would be subject to San Francisco Planning Code Section 741 (Taraval Street Neighborhood Commercial District), which permits up to one dwelling unit per 800 square feet of lot area, or seven dwelling units in this case.² The proposed project would be consistent with Section 741 because its base³ project would construct seven residential units: six market-rate units and one affordable (50 percent area median income or below) unit. Furthermore, as described above, under the California State Density Bonus Law, the project's provision of one affordable unit per seven total dwelling units would qualify it for a 35 percent density bonus; this density bonus (three additional units) would allow the proposed project to construct ten residential units on the project site.

Section 741 also permits commercial uses on Taraval Street provided that the floor area ratio (FAR) does not exceed 2.5 to 1. The proposed project would include a ground-level, 1,356-square-foot commercial space with a FAR of 0.24,⁴ which complies with the 2.5 limit. The proposed 42-foot-tall project would also comply with the 50-foot height limit imposed by the 50-X Height and Bulk District designation.

For these reasons, the proposed project would not conflict with any applicable General Plan policies and objectives or any applicable zoning designations.

- b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The approximately 0.13-acre (5,749-square-foot) project site is located within a densely developed area of San Francisco. The surrounding properties include a mix of single- to four-story residential, commercial and mixed-use buildings. Therefore, the proposed project would qualify as an in-fill development occurring within city limits on a site of less than five acres surrounded by urban uses.

² Subject property permitted dwelling unit density = total lot area in square feet ÷ 800 square feet per dwelling unit = 5,749 square feet ÷ 800 square feet per dwelling unit = 7 dwelling units.

³ The base project refers to the proposed project before the California State Density Bonus is applied.

⁴ Floor area ratio (FAR) for the proposed commercial use = proposed commercial space area ÷ lot area = 1,356 square feet ÷ 5,749 square feet = 0.24; FAR does not apply to dwelling units or other residential uses in Neighborhood Commercial Districts.

- c) *The project site has no habitat for endangered, rare or threatened species.*

The project site consists of a previously developed vacant lot located within a densely developed urban area of San Francisco. The vacant lot, the site of a former auto repair facility, is devoid of any landscaping or groundcover and, therefore, provides no habitat for endangered, rare or threatened species.

- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic

On March 3, 2016, in anticipation of the future certification of revised CEQA Guidelines pursuant to Senate Bill 743, the San Francisco Planning Commission adopted the State Office of Planning and Research (OPR) recommendation in the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*⁵ to use the Vehicle Miles Traveled (VMT) metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.) Accordingly, this categorical exemption does not contain a separate discussion of automobile delay (i.e., traffic) impacts. Instead, a VMT and induced automobile travel impact analysis is provided within.

Vehicle Miles Traveled (VMT)

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

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City, expressed geographically through transportation analysis zones (TAZs), have lower VMT ratios than other areas of the City. The Planning Department has prepared a Geographic Information System database (the Transportation Information Map) with current and projected 2040 per capita VMT figures for all TAZs in the City, in addition to regional daily average figures.⁶

A project would have a significant effect on the environment if it would cause substantial additional VMT. The OPR's *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*⁷ recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations),

⁵ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

⁶ San Francisco Planning Department, *Transportation Information Map*, accessed March 22, 2017, available online at: <http://sftransportationmap.org>.

⁷ Governor's Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, January 20, 2016, accessed March 22, 2017, available online at: https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf.

then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within an area that exhibits low levels of VMT, defined as 15 percent or more below the regional average. Small Projects are projects that would generate fewer than 100 vehicle trips per day. The Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio (FAR) greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

The project site is located within San Francisco Bay Area transportation analysis zone (TAZ) 434. As shown in Table 1, existing and future VMT values for the proposed residential use are 12.9 and 12.0, respectively. These values are approximately 12 percent below the corresponding existing and future thresholds (the regional average less 15 percent). In addition, existing and future VMT values for the proposed retail use, at 9.7 and 8.8, respectively, are approximately 23 and 29 percent below the corresponding existing and future thresholds (the regional average less 15 percent). Therefore, the proposed project meets the Map-Based Screening criterion because the project site is located within an area that exhibits low levels of VMT. The project site also meets the Proximity to Transit Stations screening criterion, which further indicates that the proposed project would not cause substantial additional VMT.⁸

Table 1. Map-Based Screening of Daily Vehicle Miles Traveled Per Capita

| Land Use | Bay Area | | | | | |
|-------------|------------------|----------------------------|---------|-------------------|----------------------------|---------|
| | Existing VMT | | | Future (2040) VMT | | |
| | Regional Average | Regional Average minus 15% | TAZ 434 | Regional Average | Regional Average minus 15% | TAZ 434 |
| Residential | 17.2 | 14.6 | 12.9 | 16.1 | 13.7 | 12.0 |
| Retail | 14.8 | 12.6 | 9.7 | 14.6 | 12.4 | 8.8 |

Source: San Francisco Transportation Information Map, <http://sftransportationmap.org>, accessed March 15, 2017.

Induced Automobile Travel

A project that would substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network would have a significant effect on the environment. The proposed project would not increase physical roadway capacity or add new roadways to the network. The proposed project would remove three existing curb cuts (two on 33rd Avenue and one on Taraval Street) and add one new 10-foot-wide curb cut on 33rd Avenue, which would add approximately two new on-street parking spaces. However, these modifications are considered minor⁹ and would not lead to a substantial increase in VMT. Therefore, impacts related to project-induced automobile travel would be less than significant.

Construction Traffic

Construction of the proposed project would occur over approximately 12 months, which would increase automobile travel due to construction workers traveling to and from the site. However, this

⁸ San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099—Modernization of Transportation Analysis, 2249-2255 Taraval Street*, March 22, 2017.

⁹ *Ibid.*

increase would be temporary, and therefore, any construction-related induced automobile travel impacts associated with the proposed project would be less than significant.

Noise

In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards.¹⁰ Nonetheless, the proposed project would be subject to the California Building Standards Code (Title 24), which establishes uniform noise insulation standards. The Title 24 acoustical requirement for residential structures is incorporated into Section 1207 of the San Francisco Building Code and requires that these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 A-weighted decibels (dBA),¹¹ in any habitable room.

Potential noise impacts associated with the construction and operation of the proposed project are discussed below.

Construction Noise

Construction of the proposed project would occur over approximately 12 months. All construction activities for the proposed project would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of Public Works (PW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 PM and 7:00 a.m. unless the Director of PW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 AM to 5:00 PM). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the 12-month construction period for the proposed project, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. However, the increase in noise within the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance, which would reduce construction noise impacts to a less-than-significant level.

¹⁰ *California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478, accessed April 19, 2017, available online at: <http://www.courts.ca.gov/opinions/archive/S213478.PDF>.

¹¹ A decibel (dB) is a unit of measurement describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals. The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

Operational Noise

The proposed project would construct a four-story mixed-use building with ten residential units on the upper floors and 1,356 sf of commercial space on the ground floor in a location where the existing Day-Night Average Sound Level (Ldn)¹² ranges from approximately 60 Ldn to more than 70 Ldn along 33rd Avenue and Taraval Street.¹³ Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. The traffic volume in the vicinity would need to double in order to produce a 3-decibel increase in ambient noise levels, which would be barely perceptible to the human ear.¹⁴ The proposed project would add approximately 144 daily vehicle trips to the local street network.¹⁵ Existing traffic volumes in the vicinity range from approximately 2,800 to 3,400 vehicles per day.¹⁶ Therefore, vehicle trips generated by the proposed project would not result in a perceptible increase in ambient noise levels near the project site.

The proposed project would include a common 1,092-sf, second-floor rear deck that would produce intermittent operational noise on the project site attributed to the building residents. The deck would be located adjacent to a two-story single family residence (2418 33rd Avenue) and a three-story mixed-use building with one ground-floor commercial unit and two residential units on the second and third floors (2237-2241 Taraval Street). The sides of the adjacent buildings that face the proposed deck contain no windows; however, the property at 2237-2241 Taraval Street includes a second-floor deck that would be positioned directly opposite the proposed rear deck. These sources of operational noise would be subject to Section 2909 (b) and (d) of the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). Section 2909 (b) regulates noise from mechanical equipment and devices on commercial property; mechanical equipment and devices operating on commercial property must not produce a noise level more than 8 dBA above the ambient noise level at the property boundary. Section 2909 (d) states that no fixed noise source may cause the noise level measured inside any sleeping or living room in a dwelling unit on residential property to exceed 45 dBA between 10 PM and 7 AM or 55 dBA between 7 AM and 10 PM with windows open, except where building ventilation is achieved through mechanical systems that allow windows to remain closed. The proposed project would be subject to and required to comply with the Noise Ordinance.

For these reasons, operational noise impacts associated with the proposed project would be less than significant.

¹² The Day-Night Average Sound Level (Ldn) is the A-weighted equivalent continuous sound exposure level for a 24-hour period with a 10 decibel (dB) adjustment added to the sound levels occurring during nighttime hours (10 PM to 7AM).

¹³ San Francisco Planning Department, *EP_ArcMap Traffic Noise Levels Layer*, accessed April 18, 2017.

¹⁴ United States Department of Transportation, Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance*, December 2011, accessed April 3, 2017. Available online at:

http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf.

¹⁵ San Francisco Planning Department, *Transportation Calculations for 2249-2255 Taraval Street*, March 22, 2017.

¹⁶ San Francisco Municipal Transportation Agency, *SFMTA Traffic Count Data 1995-2015*, accessed April 18, 2017. Available online at: <https://www.sfmta.com/about-sfmta/reports/sfmta-traffic-count-data-1995-2015>. Traffic data collected along Vincente Street between 32nd and 33rd avenues on October 1, 2015.

Air Quality

Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project, at 10 dwelling units, would not exceed the criteria air pollutant screening levels for operation (494 dwelling units) or construction (240 dwelling units) of a mid-rise apartment building.¹⁷ Further, the proposed project would require excavation of approximately 640 cubic yards of soil, which falls below the threshold (10,000 cubic yards) that would trigger extensive material transport and the generation of potentially significant levels of construction-related criteria air pollutants.

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. In response to growing concerns of TACs and their human health effects, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

The proposed project is not within an Air Pollutant Exposure Zone. Therefore, the proposed project would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution. The proposed project would require construction activities for the approximate 12-week construction phase. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,¹⁸ which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction

¹⁷ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

¹⁸ California Code of Regulations, Title 13, Division 3, § 2485 (on-road) and § 2449(d)(2) (off-road).

period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Therefore, the proposed project would not result in significant air quality impacts.

Water Quality

The proposed project would involve more than 5000 square feet of ground disturbance. However, since the project site was previously occupied by a fully paved auto repair facility, the proposed project would not increase the amount of impervious surface area on the project site. In addition, the proposed project would not result in substantial additional wastewater or result in wastewater discharges that would have the potential to degrade water quality or contaminate a public water supply. In accordance with the Stormwater Management Ordinance (Ordinance No. 83-10), the proposed project would be required to implement Low Impact Design (LID) approaches and stormwater management systems in compliance with the Stormwater Design Guidelines. Project-related wastewater and stormwater would flow into the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit prior to discharge. Project construction activities must comply with the Construction Site Runoff Ordinance, which would reduce the discharge of pollution to the local storm drain system. In accordance with this requirement, the project sponsor or its construction contractor is required to prepare an Erosion and Sediment Control Plan (ESCP) that would be reviewed, approved, and enforced by the San Francisco Public Utilities Commission. The ESCP would specify construction best management practices and erosion and sedimentation control measures to prevent sediment from entering the City's combined stormwater/sewer system during project construction.

For these reasons, the proposed project would not result in significant water quality impacts.

- e) *The site can be adequately served by all required utilities and public services.*

The project site is located within an urban area of San Francisco where all public services and utilities are available. The proposed project would be connected to the City's water, electricity and wastewater services. Prior to receiving a building permit, the project would be reviewed by the City to ensure compliance with City and State fire and building code regulations concerning building standards and fire protection. Previously, the project site was occupied by a 960-square-foot auto repair facility with associated parking; the maximum use intensity of the auto repair facility and the proposed project are 10 occupants and 70 occupants, respectively.¹⁹ Although the proposed project would increase the project site's intensity of use, this increase would not be sufficiently large to necessitate any expansion of public utilities or public service facilities.

¹⁹ Intensity of use was calculated by dividing the gross square footage (gsf) of the previous (auto repair facility) and the proposed new uses (residential and commercial) by the relevant maximum occupant load: $960\text{gsf}/100\text{gsf per occupant}=10$ occupants for the auto repair facility use; and $11,229\text{gsf}/200\text{gsf per occupant} + 1,356\text{gsf}/100\text{gsf per occupant} = 70$ occupants for the combined proposed residential and commercial uses. Current occupancy loads are available in "Table 1004.1.2: Maximum Floor Area Allowances Per Occupant" of the 2016 California Building Code, Part 2, Volume 1, Chapter 10, accessed April 19, 2017, at <http://www.bsc.ca.gov/codes.aspx>.

DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under "Cumulative Impacts," there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed above, the proposed project would not have a significant effect on traffic, noise, air quality and water quality. In addition, the proposed project would not have a significant effect on the environment due to unusual circumstances for other environmental topics, including those discussed below.

CEQA Guidelines Section 15300.2, subdivision (e), provides that a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Although the project site is one of the sites included on such a list, for the reasons discussed below under "Hazardous Materials," there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

Hazardous Materials

The proposed project would construct a four-story mixed-use building on a former Leaking Underground Storage Tank (LUST) cleanup site, the cleanup case for which was closed on October 10, 2012.²⁰ Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to DPH or other appropriate state or federal agencies, and to remediate any site contamination in accordance with an approved SMP prior to issuance of any building permit.

The project applicant submitted a Maher Application, Phase I ESA, Work Plan for Subsurface Investigation and a Phase II Environmental Soil and Groundwater Investigation to DPH.^{21,22,23,24} DPH reviewed the documents and determined that chemicals at concentrations of concern were not detected on the project site and concluded that no further action would be required for the investigation or

²⁰ San Francisco Department of Public Health, *Remedial Action Completion Certification, Underground Storage Tank (UST) Case Closure, 2249-2255 Taraval Street, San Francisco, CA 94116, Local Oversight Program (LOP) Site Number 11980*, October 10, 2012.

²¹ The subject property, 2249-2255 Taraval Street, is enrolled in the Maher Program under case number SMED 951.

²² John Carver Consulting, *Phase I Environmental Site Assessment at 2249-2255 Taraval Street, San Francisco, California*, July 17, 2013.

²³ John Carver Consulting, *Work Plan for Subsurface Investigation*, July 18, 2013.

²⁴ John Carver Consulting, *Phase II Environmental Soil and Groundwater Investigation at 2255 Taraval Street, San Francisco, California, SMED 951*, September 16, 2013.

remediation of the project site under the Maher Program.²⁵ Thus, the proposed project would not result in a significant hazard to the public or the environment through the release of hazardous materials.

Shadow

The proposed project would construct an approximately 42-foot-tall building. Planning Code Section 295 requires that a shadow analysis be prepared for any building exceeding 40 feet in height in order to assess whether the subject building would add any new shadows on parks and open spaces under the control of the Recreation and Park Department (RPD). The Planning Department prepared a shadow analysis, which confirmed that the proposed project would not cast any new shadows on RPD parks and open spaces or any non-RPD publically accessible open spaces.²⁶ Therefore, the proposed project would not result in a significant impact related to the net addition of new shadows.

Cumulative Impacts

The proposed project would construct an approximately 42-foot-tall, 18,099-sf, four-story, mixed-use building with ten residential units on the upper floors, 1,356 sf of commercial use on the ground floor and seven vehicle parking spaces. There is one new development project of the same type proposed within a half-mile radius of the project site. This project, located within one block of the project site, at 2337 Taraval Street, proposes the construction of a new approximately 33-foot-tall, 3,147-sf, three-story mixed-use building with two residential units, one 593-sf ground-floor commercial space and no vehicle parking.

The proposed projects at 2249-2255 Taraval Street and 2337 Taraval Street are both located in San Francisco Bay Area transportation analysis zone (TAZ) 434 and, as such, are located within an area that exhibits low levels of vehicle miles traveled, or VMT, (see Table 1). Therefore, individually, each project would not result in a significant transportation impact related to VMT. In addition, since the estimated future (year 2040) VMT levels for TAZ 434 would be 12 percent (residential use) and 29 percent (retail use) below the associated future (year 2040) thresholds, cumulatively, the projects would not result in a significant transportation impact related to VMT (see Table 1). Furthermore, since both projects qualify as mixed-use residential infill projects located in a transit priority area, any associated parking impacts would not be considered impacts on the environment pursuant to CEQA Section 21099(d). Therefore, the proposed project would not result in a significant cumulative impact related to traffic or transportation.

The proposed project at 2337 Taraval Street would increase the on-site intensity of use by a maximum of 19 occupants.²⁷ Therefore, the maximum combined increase in intensity of use within the neighborhood would be 89 occupants (70 occupants associated with 2249-2255 Taraval Street and 19 occupants associated with 2337 Taraval Street). This increase would not be sufficient to result in a significant cumulative impact related to noise, air quality and water quality for the reasons cited earlier for the proposed project at 2249-2255 Taraval Street.

²⁵ San Francisco Department of Public Health, *Letter: No Further Action Needed, 2249-2255 Taraval Street, San Francisco, SMED 951*, October 24, 2013.

²⁶ San Francisco Planning Department, *Shadow Analysis, 2249-2255 Taraval Street, San Francisco, CA*, February 9, 2017.

²⁷ Intensity of use was calculated by dividing the gross square footage (gsf) of the proposed new uses (residential and commercial) by the maximum occupant load: $(3,147 \text{ gsf} - 593 \text{ gsf}) / 200 \text{ gsf per occupant} + 593 \text{ gsf} / 100 \text{ gsf per occupant} = 19$ occupants for the combined proposed residential and commercial uses. Current occupancy loads are available in "Table 1004.1.2: Maximum Floor Area Allowances Per Occupant" of the 2016 *California Building Code, Part 2, Volume 1, Chapter 10*, accessed April 19, 2017, at <http://www.bsc.ca.gov/codes.aspx>.

In addition, the proposed project would not result in a significant cumulative impact related to hazardous materials or shadow. As described above, the project site at 2249-2255 Taraval Street requires no further action related to hazardous materials investigation or remediation under the Maher Program and, according to Planning Department records, the project site at 2337 Taraval Street is not located on a Maher site (a site of known or suspected hazardous materials contamination). Finally, since the proposed project does not cast any net new shadows on any parks or open spaces, the proposed project would not contribute to a significant cumulative impact related to shadow.

Public Notice and Comment. On February 28, 2017, the Planning Department mailed a "Notification of Project Receiving Environmental Review" to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. The Planning Department received one comment from the public in response to the notice. The respondent's comments pertained to the impacts the proposed project and a similar project nearby (2337 Taraval Street) may have on parking shortages in the neighborhood, both individually and cumulatively. However, in accordance with CEQA Section 21099 (Modernization of Transportation Analysis for Transit Oriented Projects), parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria: (1) the project is residential, mixed-use residential, or an employment center; (2) the project is located on an infill site; and (3) the project is in a transit priority area. As described above, the proposed project satisfies each of the above criteria and therefore, project-related parking impacts are excluded from the evaluation of the project's potential to result in significant environmental effects.

Comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposed project, in the independent judgment of the Planning Department, there is no substantial evidence of unusual circumstances surrounding the proposed project such that the project would have a significant effect on the environment.

Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classifications. In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.