



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** January 19, 2012  
**TO:** File No. 2011.1202E  
**FROM:** Michael Jacinto, Environmental Planning  
**THROUGH:** Bill Wycko, Environmental Review Officer  
**RE:** Determination of No Further Environmental Review  
Required for the Chinatown Transit Station Special Use  
District Legislation

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The purpose of this memorandum is to document the Planning Department's determination that no further environmental review is required for the proposed "Chinatown Transit Station Special Use District" legislation (Board of Supervisors File Nos. 111210 and 111211) because the environmental effects of implementation of this legislation have been adequately analyzed pursuant to the California Environmental Quality Act ("CEQA") in environmental documentation previously prepared for the Central Subway Project. This memorandum describes the relationship of the proposed legislation to the Central Subway Project, identifies the previous environmental review documentation that addresses the legislation, and summarizes the environmental effects that would occur as a result of implementation of the legislation, along with mitigation measures that address significant impacts and improvement measures that have been adopted as part of the project.

## PROPOSED LEGISLATION

The proposed legislation consists of two ordinances. The first proposed ordinance is an amendment to the San Francisco Planning Code, adding Section 249.66 to create the Chinatown Transit Station Special Use District at the southwest corner of Stockton and Washington Streets. The amendment would permit the demolition of a mixed-use building in the Chinatown Residential Neighborhood Commercial District for the construction of the Chinatown Station at 935-949 Stockton Street (Assessor Block 211, Lot 01) as part of the Central Subway Project. The second proposed ordinance would amend the San Francisco Planning Code Sectional Maps SU01 of the City and County's Zoning Map to reflect the creation of the Chinatown Transit Station Special Use District.

## PREVIOUS ENVIRONMENTAL REVIEW

The proposed legislation would enable implementation of a portion of the Central Subway Project, which is the second phase of the Third Street Light Rail Project. The Third Street Light Rail Project was initially evaluated under CEQA and the National Environmental Policy Act (NEPA) in the Third Street Light Rail Project Final Environmental Impact Study and Final Environmental Impact Report (FEIS/FEIR), which was certified in 1998.<sup>1</sup> On January 19, 1999, the San Francisco Municipal Transportation Agency (SFMTA) approved Resolution No. 99-009,

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<sup>1</sup> *Final Environmental Impact Statement/Final Environmental Impact Report, Third Street Light Rail Project*, Federal Transit Administration – U.S. DOT, City and County of San Francisco Planning Department. This document is available for review in Case File No. 1996.281E at 1650 Mission Street, Suite 400, San Francisco, CA 94103.

which adopted the environmental findings for the project, including mitigation measures set forth in the 1998 FEIS/FEIR and Mitigation Monitoring and Reporting Program (MMRP). The Federal Transit Administration (FTA) issued a Record of Decision on for the 1998 Final EIS/FEIR for the Initial Operating Segment Third Street Light Rail Project on March 16, 1999. Revenue operation of Phase 1 of the Third Street Light Rail Project, extending from Bayshore Boulevard to Fourth and King Streets, began in April 2007.

Subsequent to the publication of the FEIS/FEIR, studies were undertaken to refine the Phase 2 Central Subway alignment which evaluated a new Fourth/Stockton alignment, and a deep tunnel crossing of Market Street. In 2005, a Fourth/Stockton alignment was developed that included the following changes: a subway portal on Fourth Street between Townsend and Brannan Streets; a relocated Moscone Station (shifted to Howard and Folsom Streets); a combined Market Street and Union Square Station; and elimination of the surface station at Third and King Streets.

On June 7, 2005, the SFMTA Board of Directors adopted Resolution No. 05-087, which selected the Fourth/Stockton alignment as the Locally Preferred Alternative (LPA) to be carried forward in the Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR). The intent of the SEIS/SEIR was to update environmental conditions in the Central Subway study area and to evaluate alternatives to the project, including an enhancement to the alignment discussed in the 1998 EIS/EIR (Alternative 2) and the Fourth/Stockton Alignment, LPA (Alternative 3B). A Notice of Preparation was issued in June 2005 and a public scoping meeting was held.

On August 7, 2008, the San Francisco Planning Commission adopted Motion No. 17668, certifying that the Final SEIS/SEIR for the Central Subway/Third Street Light Rail Phase 2 was in compliance with CEQA. On August 19, 2008, the SFMTA's Board of Directors, by Resolution No. 08-150, approved Alternative 3B, adopted environmental findings, including a Statement of Overriding Considerations and an MMRP as required by CEQA (Resolution No. 08-150, on file with the Clerk of the Board of Supervisors in File No. 100849). On September 16, 2008, the San Francisco Board of Supervisors adopted Motion No. 08-145, in Board File No. 081138, affirming the Planning Commission's decision to certify the Final SEIS/SEIR.

## **PROJECT SITE AND VICINITY SETTING**

As described in the Final SEIS/SEIR, the Chinatown Station to the Central Subway includes a portal located at 935-949 Stockton Street ("subject property"), in the City's Chinatown neighborhood. The subject property consists of a two-story, mixed-use building that formerly housed ground-floor commercial space occupied by 8 tenants and 17 residential dwellings. Land uses along Stockton Street in Chinatown, north of the Sacramento Street portal to the Stockton Street tunnel, are primarily commercial, with some buildings containing residential uses (most over ground-floor commercial), such as the Mandarin Tower at 940 Stockton Street. Cross-streets have primarily residential and residential uses over ground-floor commercial. A preschool and several community service buildings are located in a multi-story building at the southwest corner of Stockton and Sacramento Streets. A post office and several schools, including the Chinese Central High School and Gordon Lau Elementary School are located between Clay and Washington Streets. The St. Mary's Chinese Catholic Center is located on the northeast corner of

Stockton and Clay Streets and the Sun Yat-Sen Memorial Hall is on the east side of Stockton Street. The Willie Woo Woo Wong Playground (formerly Chinese Playground), on Sacramento Street just east of Stockton Street, is the only open space along the subway corridor north of Union Square.

## ENVIRONMENTAL EFFECTS

As noted above, the environmental effects associated with implementing this legislation have been previously analyzed in the FSEIS/FSEIR. Below is a brief summary of the environmental effects noted in the FSEIS/FSEIR that pertain to demolition of the building at 935-949 Stockton Street and construction of the Chinatown Station, which would be permitted by the legislation. The significant unavoidable impacts are first noted, followed by those impacts that were found to be less than significant with implementation of mitigation measures that have been incorporated as part of the project. Less-than-significant impacts are also summarized and associated improvement measures that would reduce the magnitude of these effects are also presented. A full reporting of the impacts, mitigation measures and improvement measures identified in the FSEIS/FSEIR is included in the project's Mitigation Monitoring and Reporting Program, incorporated herein by reference.

### Significant Unavoidable Effects

Based on the FSEIS/FSEIR, the proposed legislation would have the following significant unavoidable impacts.

#### Land Use, Population, Housing and Displacement

The Final SEIS/SEIR identified **Impact PH-1**, an unavoidable significant effect on the environment in the area of housing and employment in that demolition of the building at 935-949 Stockton Street would displace 8 businesses and 17 low-income units. This SEIS/SEIR section then describes pertinent federal and state laws related to property acquisition and relocation, including the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the State of California Relocation Act.

**Mitigation Measure PH-1a:** Redevelopment of the Chinatown Station site will incorporate affordable housing and ground floor retail where possible.

**Mitigation Measure PH-1b:** State and federal relocation regulations will be implemented.

As of 2012, SFMTA has relocated all but one of the retail tenants at 935-949 Stockton Street, and all of the residential tenants in accordance with the Central Subway's Relocation Impact Study<sup>2</sup> and Last Resort Housing Plan (the "Plan"), approved by the SFMTA Board of Directors on August 3, 2010, and by the Board of Supervisors on December 7, 2010.<sup>3</sup> The Plan, among other things, establishes a program by which residential tenants are provided relocation expenses, including moving expenses and social services, 42 months of rent differential, and eligibility for affordable

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<sup>2</sup> *Relocation Impact Study and Last Resort Housing Plan*, SFMTA, September 8, 2010. This document is available for review in Case File No. 2011.1202E at the Planning Department office, 1650 Mission Street, Suite 400, San Francisco, CA.

<sup>3</sup> Personal communication, Kerstin Magary, Senior Manager, SFMTA Real Estate Section, January 10, 2011.

units at a new housing project planned for Broadway and Sansome Streets. The Plan also provides commercial tenants with the services of a relocation consultant, moving expenses, business re-establishment expense payments and compensation for loss of goodwill.

Adoption of the proposed legislation would not cause new land use and/or displacement impacts than those disclosed in the Final SEIS/SEIR, nor would the displacement impact be of any greater magnitude. The land use, population and housing impact identified in the Final SEIS/SEIR is identical to that which would occur associated with the proposed SUD legislation.

#### Historic Architectural Resources

The Final SEIS/SEIR identified **Impact HARC-1**, stating that “demolition of the historic building at 935-949 Stockton Street, which is a contributor to a NRHP [National Register of Historic Places]-eligible district, would create a visual break in the cohesive grouping of contextually-related buildings within the block.” The Final SEIS/SEIR disclosed the demolition of the extant building on the project site and determined that its demolition would be an unavoidable significant impact. The design of the proposed station would be subject to Final SEIS/SEIR mitigation measures are discussed below. The proposed legislation would not increase the severity of this impact or otherwise alter the mitigation measures that are required to be carried out by the SFMTA.

**Mitigation Measures HARC-1a, 1b and 1c** require the salvaging of character-defining elements of the existing onsite building for reuse in the new design to the extent feasible; preparing an analysis of the station design to ensure consistency with the Secretary of Interior’s Standards for compatibility of the station with the surrounding historic district (currently in preparation); and preparation of Historic American Building Survey documentation of the existing building.

#### Less than Significant Effects with Mitigation Measures Incorporated as Part of the Project

Based on the FSEIS/FSEIR, the proposed legislation would have the following significant impacts that could be reduced to a less-than-significant level with implementation of mitigation measures.

#### Visual and Aesthetics

**Impact VAES-1:** The demolition of an existing building to accommodate the Chinatown Station and the construction of a new station entrance and transit-oriented development in the future would visually change the street façade along Stockton Street.

**Mitigation Measure VAES-1** states that “Exterior treatment of the Chinatown Station and vent shaft would be developed in consultation with the Planning Department, Architectural historians, the City Historic Preservation Coordinator, and the Chinatown community during preliminary and final design.”

#### Archeological Resources

**Impact CNPRE-1:** Excavation for the project would potentially affect Historical Archaeological Resources, including: 6 locations identified for the possible presence of sensitive prehistoric archaeological resources, one known archaeological resource, and 13 locations where historical archaeological resources might be uncovered.

**Mitigation Measure CNPRE-1a:** Consistent with the State Historic Preservation Office’s Memorandum of Understanding with the City, FTA, and SFMTA shall work with a qualified archaeologist to ensure that all state and federal regulations regarding cultural resources and Native American concerns are enforced.

**Mitigation Measure CNPRE-1b:** Limited subsurface testing in identified archaeologically sensitive areas shall be conducted once an alignment has been selected.

**Mitigation Measure CNPRE-1c:** During construction, archaeological monitoring shall be conducted in those sections of the alignment identified in the completed HCASR and through pre-construction testing as moderately to highly sensitive for prehistoric and historic-era archaeological deposits.

**Mitigation Measure CNPRE-1d:** Upon completion of archaeological field investigations, a comprehensive technical report shall be prepared for approval by the San Francisco Environmental Review Officer and SHPO that describes the archaeological findings and interpretations in accordance with state and federal guidelines.

**Mitigation Measure CNPRE-1e:** If unanticipated cultural deposits are found during subsurface construction, soil disturbing activities in the vicinity of the find shall be halted until a qualified archaeologist can assess the discovery and make recommendations for evaluation and appropriate treatment to the ERO for approval in keeping with adopted regulations and policies.

#### Vibration

**Impact CNHARC-2:** There are 25 historic architectural resources along the alignment that could be impacted by construction-related ground borne vibration and visual disturbance.

**Mitigation Measure CNHARC-2a:** Pre-drilling for pile installation in areas that would employ secant piles with ground-supporting walls in the cut-and-cover areas would reduce the potential effects of vibration.

**Mitigation Measure CNHARC-2b:** Vibration monitoring of historic structures adjacent to tunnels and portals will be specified in the construction documents to ensure that historic properties do not sustain damage during construction. Vibration impacts would be mitigated to a less-than-significant level. If a mitigation monitoring plan provides the following: The contractor will be responsible for the protection of vibration-sensitive historic building structures that are within 200 feet of any construction activity. The maximum peak particle vibration (PPV) velocity level, in any direction, at any of these historic structures should not exceed 0.12 inches/second for any length of time. The Contractor will be required to perform periodic vibration monitoring at the closest structure to ground disturbing construction activities, such as tunneling and station excavation, using approved seismographs. If at any time the construction activity exceeds this level, that activity will immediately be halted until such time as an alternative construction method can be identified that would result in lower vibration levels.

**Impact CNNV-1:** Historic buildings within 200 feet of a construction area may be subject to adverse vibration impacts if the maximum peak particle vibration (PPV) velocity level in any direction exceeds 0.12 inches/second for any length of time.

**Mitigation Measure CNNV-1a:** The Contractor shall be required to perform periodic vibration monitoring using approved seismographs at the historic structure closest to the construction activity. If the construction activity exceeds a 0.12 inches/second level, the construction activity shall be immediately halted until an alternative construction method that would result in lower vibration levels can be identified.

**Mitigation Measure CNNV-1b:** During construction, an acoustical consultant will be retained by the contractor to prepare a more detailed construction noise and vibration analysis will be prepared to address construction staging areas, tunnel portals, cut-and-cover construction, and underground mining and excavation operations.

#### Geology and Seismicity

**Impact CNET-1:** Construction period settlement could cause damage to existing building foundations, subsurface utilities, and surface improvements.

**Mitigation Measure CNET-1a:** Provisions such as concrete diaphragm walls to support the excavation and instrumentation to monitor settlement and deformation would be used to ensure that structures adjacent to tunnel alignments are not affected by excavations.

**Mitigation Measure CNET-1b:** Tunnel construction methods that minimize ground movement, such as pressure-faced TBMs, Sequential Excavation Method, and ground improvement techniques such as compensation grouting, jet grouting or underpinning will be used.

**Mitigation Measure CNET-1c:** Rigorous geo-mechanical instrumentation would be used to monitor underground excavation and grouting or underpinning will be employed to avoid displacement of structures.

#### **Less than-Significant Effects for which Improvement Measures Were Adopted as Part of the Project**

The FSEIS/FSEIR also identified improvement measures that would further reduce certain impacts found to be less than significant. The following is a summary of such less-than-significant impacts and the related improvement measures, which have been adopted as part of the project.

#### Construction Traffic Flow, Trucks

**Impact CNFRT-1:** During construction, temporary disruption to truck traffic flow and removal of on-street loading zones adjacent to construction work areas would occur along the Corridor on Fourth and Stockton Streets.

**Improvement Measure CNFRT-1b:** A portion of the curb parking lanes remaining open in the construction area, or just upstream or downstream of the construction area, may be converted to short-term loading zones to enable truck loading and unloading and delivery of goods to nearby businesses.

**Improvement Measure CNFRT-1c:** Temporary truck loading zones on the side streets may be needed to be established for the duration of the project construction to offset any impacts along the streets that are directly affected by construction.

#### Parking

**Impact CNPRK-1:** All on-street parking would be temporarily prohibited in construction zones.

**Improvement Measure CNPRK-1a:** During construction signs denoting alternative parking areas (e.g., public parking garages) could be placed upstream of and through the construction zones.

**Improvement Measure CNPRK-1b:** To improve the accessibility to businesses in the Corridor, it is recommended that retained and added (where applicable) parking spaces be designated for short-term parking and loading, especially in commercial districts.

#### Pedestrians

**Impact CNPED-1:** There will be temporary sidewalk closures during excavation of each of the subway stations and the west sidewalk of Stockton Street would be closed during construction of the Chinatown Station.

**Improvement Measure CNPED-1a:** During excavation of the subway stations, access to all abutting businesses would be maintained either through the existing or a reduced sidewalk area or via temporary access ways, e.g., ramps, planking, etc. Signs would be installed indicated that the businesses are “open during construction.” All temporary access ways would be in compliance with the ADA. Temporary pedestrian walkways, as required by the City, would be covered to help protect pedestrians from noise, dust, and visual annoyances during construction.

#### Construction Noise

**Impact CNNV-2:** Noise in the range of 85 to 89 dBA at 100 feet would be generated from construction activities along surface portions of the alignment and staging areas and station or portal construction areas. Vibration levels of 58 to 112 Lv at 25 feet would be experienced as a result of equipment used during at-grade construction activities. Vibration impacts on buildings could result from equipment used for underground construction, particularly from tunneling.

**Improvement Measure CNNV-2a:** The incorporation of noise control measures would minimize noise impacts during construction: noise control devices such as equipment mufflers, enclosures, and barriers; stage construction as far away from sensitive receptors as possible; maintain sound reducing devices and restrictions throughout construction period; replace noisy with quieter equipment; schedule the noisiest construction activities to avoid sensitive times of the day; the contractor will hire an acoustical consultant to oversee the implementation of the Noise Control and Monitoring Plans; prepare a Noise Control Plan; comply with the nighttime noise variance provisions; conduct periodic noise measurements to ensure compliance with the Noise Monitoring Plan; and use equipment certified to meet specified lower noise level limits during nighttime hours.

### Emergency Access

**Impact CNEMER-1:** Emergency response times from Fire Station #8 (36 Bluxome Street) would be impacted by construction along Fourth Street for approximately 18 to 24 months and from Fire Station #2 (1340 Powell Street) by temporary lanes closures on the west side of Stockton Street between Washington and Jackson Streets for the construction of the Chinatown Station.

**Improvement Measure CNEMER-1a:** DPT will develop and implement alternative detour routes for all general traffic to minimize the construction disruption to traffic flows.

**Improvement Measure CNEMER-1b:** Contractor will be required to develop a site specific emergency access response plan as part of compliance with bid specifications.

### Utilities

**Impact CNUTL-1:** Construction of the subway and stations would require major utility relocation work, which could affect private parcel connections to main utility lines and result in short-term utility service disruption as relocated utility lines are reconnected to the utility system.

**Improvement Measure CNUTL-1:** Utility relocation would require street and sidewalk excavations that would impact traffic and pedestrian flows adjacent to the relocation areas. Permanent vacation of sub-surface sidewalk basements may be required.

### Biological Resources

**Impact CNBIO-1:** Construction could result in the removal of existing street trees along the surface segment of Fourth Street, at station entries on Fourth and Stockton Streets, and at the One Stockton entrance to Chinatown.

**Improvement Measure CNBIO-1a:** Any street trees removed or damaged as part of construction would be replaced along the street at a 1:1 ratio.

## CONCLUSION

The Central Subway Project Final SEIS/SEIR is a Program EIR under CEQA. CEQA Guidelines Section 15168(c) describes a Program EIR's use with later activities, such that "Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." Section 15168(c)(2) further elaborates that, "If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required."

Based on the information set forth above and other substantial evidence in light of the whole record on the Central Subway Final SEIS/SEIR, staff determines that the proposed legislation that would adopt a Special Use District at the subject property at 935-949 Stockton Street is within the scope of project analyzed in Final SEIS/SEIR; (2) adoption of the proposed legislation will not require revisions to the Central Subway Final SEIS/SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) taking into account that the proposed SUD was analyzed in the SFEIS/SFEIR (insofar as



the SUD legislation was identified as an approval required to implement the project and the physical consequences of demolition were also thoroughly and sufficiently analyzed), no substantial changes have occurred with respect to the circumstances under which this proposed rezoning is undertaken that could require major revisions to the SFEIS/SFEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Final SEIS/SEIR; and (4) no new information of substantial importance to the proposed establishment of an SUD on the subject property has become available which would indicate (a) the proposed SUD legislation or the approval actions will have significant effects not discussed in the Final SEIS/SEIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the Final SEIS/SEIR would substantially reduce one or more significant effects on the environment.

Consequently, staff finds that the proposed SUD legislation at the subject 935-949 Stockton Street property is covered by the Final SEIS/SEIR and that a subsequent or supplemental environmental review is not required under CEQA Guidelines Section 15162. These findings do not relate to the merits of the proposed rezoning of the 935-949 Stockton Street parcel, but rather to the potential environmental effects of that undertaking as discussed in the Central Subway Project Final SEIS/SEIR.