January 18, 2019

Clerk of the Board
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4689

Re: Rebuttal of Categorical Exemption ("CatEx") Appeal Response for 3637-3657 Sacramento Street
Case No: 2007.1347E

Dear President Yee and Members of the Board of Supervisors:

I am writing this rebuttal to the Planning Department's Categorical Exemption ("CatEx") Appeal response to provide additional clarification by correcting errors and oversights made in the Planning Department's CatEx Appeal response.

The following summarizes the main points of this letter:

1. The Planning Department's conclusion for a CatEx was based on inaccurate descriptions of the construction equipment that will be required:

    - The noise determination was based on this incorrect data.
    - The vibration determination was based on this incorrect data.

2. The CatEx was based on the assumption that there are no unusual circumstances in the immediate area of the project:

    - The project is surrounded by one of the most highly concentrated number of mental health professionals in the city.

Incomplete List of Construction Equipment

We respectfully disagree with the Noise and Vibration discussion in the Planning Department's CatEx Response dated January 7, 2019, as it was based on an incomplete list of construction equipment that was provided by the project sponsor on December 14, 2018. Because the list was severely incomplete, the Planning Department's CatEx Appeal response does not provide an accurate analysis to the Board of Supervisors regarding noise and vibration.

For example, the Planning Department's CatEx Response states, on page 12, that "[s]ince the project would not require a substantial amount of bedrock excavation, it is anticipated that impact equipment use during project construction would be limited to the sporadic use of a jackhammer." The Planning Department only mentions the bedrock excavation but

completely ignores that the concrete garage will need to be demolished. The garage cannot be demolished with just one jackhammer. Rather, the demolition would require larger impact equipment such as an excavator with a hoe ram attachment.

Additional equipment that were overlooked by the Planning Department and project sponsor that will be required to perform the job is provided in **Attachment A, Table 1.**

Any meaningful analysis or discussion about noise and vibration in relation to California Environmental Quality Act (CEQA) cannot begin because the project sponsor and Planning Department has not properly identified the correct anticipated construction equipment.

Construction Noise - Substantial Temporary Increase in Noise Levels to Adjacent Residents

As stated above, the Planning Department and Project Sponsor overlook the fact that the reinforced concrete parking garage will need to be demolished. The means of demolishing the garage, including the large impact equipment necessary to complete this part of the job were not mentioned. This structure cannot be demolished with the use of only a jackhammer and a concrete saw.

The Planning Department's response regarding noise is incomplete and does not accurately describe the demolition activities being proposed. A more realistic list of construction equipment is provided in **Attachment A, Table 1,** along with the justification for each piece of equipment based on the project elements.

A summary of our noise analysis findings, along with factual noise monitoring results taken by the community is summarized in **Attachment B.**

Because the demolition, excavation, and grading activities of the project would require the use of excavators, jackhammers, hoe rams, loader, drilling rigs, and other large construction equipment, the proposed project would result in a substantial temporary increase in ambient noise levels. The community has taken our own noise level measurements to demonstrate how quiet ambient noise levels are on a normal weekday. The information is presented in **Attachment B, Tables 2 and 3.**

Additionally, with this project, noise levels could exceed the City's allowable construction noise levels from construction equipment, as specified under the Noise Ordinance as 80 dBA Lmax at 100 feet (equivalent to 86 dBA Lmax at 50 feet).

Excessive Groundborne Vibration Levels

The CatEx Exemption Appeal Response states on page 10: "Since the project sponsor does not propose the use of pile drivers, hoe rams, and vibratory compactors, construction of the proposed project is not anticipated to expose structures to excessive groundborne vibration." We respectfully disagree with this statement. As demonstrated above, the Planning Department based their analysis on an incomplete list of construction equipment

required of the job. The adjacent properties at 3631/3661 Sacramento Street and 3665 Sacramento Street will be subject to excessive groundborne vibrations.

As provided in **Attachment A**, the vibration assumptions made by the Planning Department was based on an incomplete list of construction equipment. For example, they do not list the equipment, such as a vibratory roller, that will be required for compaction or an excavator with a hoe ram, for the demolition of the concrete garage.

In fact according to the preliminary geotechnical investigation conducted in 2009 by Harold, Lewis, and Associates (page 14), a vibratory compactor is required. See **Attachment C, Exhibit 1.**

Additionally, the preliminary geotechnical investigation conducted in 2009 by Harold, Lewis, and Associates clearly indicated that vibration will occur due to the deep excavation activities. Page 11 mentions that the older structures adjoining the project are "sensitive" to "heavy equipment vibrations". On page 12, the report mentions that, "In addition, vibrations associated with the construction operations (i.e., demolition, shoring, and earthmoving equipment) ... could cause minor settlement of adjacent structures."

In light of the above and as demonstrated in **Attachment C**, the statements made in the CatEx Appeal Response are not only erroneous, but are also misleading. They downplay the size and types of construction equipment that will actually be required of the project. Additionally, the CatEx Appeal Response was based on an incomplete equipment list that was not consistent with the Engineer's requirements described in the preliminary geotechnical investigation. Therefore, the proposed project would result in a significant vibration impact to the adjacent properties.

Significant Effect Due to Unusual Circumstances

CEQA Guidelines section 15300.2 establishes exceptions to the application of a categorical exemption. "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."

We respectfully disagree that there are no unusual circumstances. We believe that there is a significant effect due to unusual circumstances that surround this project. The project has an unusual circumstance because is located on a unique block of San Francisco which has been historically known to have the highest concentration of mental health therapists and professionals in the city. In fact, this area of Sacramento Street used to be referred to as "Couch Canyon." This reference comes from the exceptionally high number of psychiatrists.

We estimate that nearly 2000 to 3000 patients come to this neighborhood **each week** for therapy appointments. The block presents a quiet, peaceful, comfortable, and relaxing environment – the setting's rare location gives people the feeling of being separated from the hustle and bustle of busier parts within the city.

The noise and vibration would create a physical environment that would be devastating to the mental and physical health of patients seeking psychiatric help. (See forthcoming letter from Sacramento Street mental health providers.)

Because of the high number of psycotherapists that surround this project, we believe that the circumstances of this project differ from the general circumstances of other infill projects that have received CatEx status within San Francisco, and thus should be subject to further environmental review.

Conclusion

The 3637-3657 Sacramento Street project is not rightly subject to a CatEx under CEQA Guidelines Section 15332 because the project lacked the proper analysis, had no noise studies performed, was based on an incomplete representation of the construction equipment required, and will likely have the potential of significant unmitigated environmental impacts such as noise and excessive groundborne vibration that have been improperly evaluated by the city.

Furthermore, the 3637-3657 Sacramento Street project is not rightly subject to a CatEx under Guidelines Section 15300.2 because it is located in an area that has an unusual circumstance – that is, an unusually high amount of psychotherapists and mental health patients. Environmental review is requested to evaluate the effect that this project will have on them.

Appellants request that this letter and attachments be placed in and incorporated into the administrative record for Case No. 2007.1347E.

Appellants respectfully request that the Board of Supervisors revoke the CatEx determination and require further environmental review pursuant to CEQA.

Sincerely yours,

Brandon Ponce
California-Locust Neighbors' Association

This rebuttal to the *CatEx Appeal Response* is also submitted on behalf of the following individuals: Jennifer Kopczynski, Alexander W. Thompson, Marcia E. Herman, Susan Foslien, Jack Kaus, Patrick Richards, John M. Burns, and Douglass Engmann.

Attachment A

Equipment List Provided by Project Sponsor

and

List of Additional Equipment Required by Project Elements

Table 1.

Incomplete Equipment list by project sponsor for this project:

Equipment	L_{max} at 50 feet (dBA) (Data from U.S. Department of Transportation Federal Highway Administration)	Associated Construction Phase and Use
Wheel Excavator (63 horsepower)	81	Demolition, Grading.
Jack Hammer	89	Demolition, Grading. For breaking up San Franciscan bedrock
Concrete/Industrial Saw	90	Demolition.
Material Handling Equipment (concrete delivery trucks and concrete pumps)	81	Building Construction.
Air Compressor	78	Building.
Pressure Washers	Not listed	Demolition, Grading and Building construction.

Equipment	L_{max} at 50 feet (dBA) (Data from U.S. Department of Transportation Federal Highway Administration)	Associated Construction Phase and Use
Tractors/Loaders/ Backhoes	84	Grading of subgrade and moving excavated soil to stock pile or directly to haul truck.
Excavator with Hoe Ram attachment or Pulverizer attachment	90	Demolition of concrete garage. Hoe ram or Pulverizer needed to break and or crush apart the concrete structure.
Excavator with Auger attachment (drilling)	84	Drilling piers for the shoring system soldier piles.
Excavator with Thumb attachment	81	Moving demolished concrete and wood debris onto hauling trucks.
Forklift	79	Moving construction material around the project site.
Vibratory Rollers/ Compactor	83	Compacting subgrade of the new building to 90% relative compaction. See Exhibit 1.

Attachment B

Noise – Substantial Evidence and Supporting Documentation

Attachment B, Noise – Substantial Evidence and Supporting Documentation

Project demolition and construction would result in a temporary and periodic increase in ambient noise levels in the project vicinity above existing conditions.

Short-term noise impacts would occur during demolition, excavation, shoring, grading and site preparation activities. **Table 1** lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor.

Table 1 list the equipment provided by the Planning Department and project sponsor, and also the additional equipment that would be required based on the specifics of the project. Construction-related short-term noise levels would be higher than existing ambient noise levels currently in the project area.

Construction crew commutes and the transport of construction equipment and materials to the site for the proposed project, which would incrementally increase noise levels on roads leading to the site. As shown in **Table 1**, there will likely be significant noise generation that exceeds Noise Ordinance allowable levels (*i.e.*, 80 dBA Lmax at 100 feet or 86 dBA Lmax at 50 feet).

Table 1 lists maximum noise levels recommended for noise impact assessments for construction equipment that will likely be required of the project, based on a distance of 50 feet between the equipment and a noise receptor. Typical maximum noise levels range up to 90 dBA Lmax at 50 feet during the noisiest construction phases. The site preparation phase, including demolition, excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment.

Sensitive receptors are located immediately adjacent to the proposed project at 3631/3661 Sacramento Street (east of project) and 3665 Sacramento Street (west of project). Additionally, there are sensitive receptors to the north and south (residents on California, Locust, and Spruce Street). These residents may be subject to short-term construction noise exceeding 100 dBA Lmax when construction is occurring at the project site. This noise level could exceed the City's allowable construction noise levels from construction equipment (*i.e.*, 80 dBA Lmax at 100 feet or 86 dBA Lmax at 50 feet).

Construction noise would result in a temporary or periodic increase in existing ambient noise levels in the project vicinity that exceed current levels. The existing

midblock open space is tucked away (no street noise), and therefore very quiet. Normal ambient daytime noise readings were between 40 to 50 dBA, which is equivalent to a quiet suburban area during the daytime. Noise readings were taken in the rear yards as indicated in **Figure A** and **Table 2**.

The summary of results can be viewed in **Table 3**. Noise levels will increase by approximately **40 dBA** (maximum) during the project.

To assess the potential for impacts due to temporary daytime increases over ambient levels during construction, the Planning Department considers a persistent construction-related increase of 10 dBA or more over ambient levels to be a substantial increase. The demolition, excavation, and site preparation is expected to last at least 5 months; however, because of the quiet background noise levels, a 10 dBA or more increase over ambient levels is expected to last up to 10 months, which would include the slab foundation and installation of structures.

Table 2.

Summary of Baseline Noise Monitoring Results in the Project Vicinity (dBA)

Measurement Location		Time Period	Average L_{eq}	Primary Noise Source
NM1	North Side (rear) of Building at 3550 California St.	Thursday, 1/18/19, 15 min	44.3	Light wind, distant traffic from California Street
NM2	North Side (rear) of Building at 3530 California St.	Monday, 1/14/19, 15 min	46.3	Light wind, distant traffic from California Street
NM3	East Side (rear) of Building at 431 Locust St.	Thursday 1/18/19, 15 min	38.3	Light wind, distant traffic from Locust St.

Note[1]: *Readings were taken using a EXTECH, Model 407732 Digital Sound Level Meter.*

Table 3.

Highest Noise Increase over Ambient Levels During Construction

Receptor[1]		Existing Noise Level (L_{eq},dBA)[2]	Phase / Construction Activity	Activity Duration (Months)[3]	Maximum Increase of Construction Noise Level over Existing Noise Level (L_{eq},dBA)[4]
ID	Primary Use				
R1	Residential (3550 California Street, rear)	44.3	Demolition, Excavation, Grading	5	**45.7**
R2	Residential (3530 California Street, rear)	46.3	Demolition, Excavation, Grading	5	**43.7**
R3	Residential (431 Locust Street, rear)	38.3	Demolition, Excavation, Grading	5	**51.7**

Note[1]: *Receptor locations are shown on Figure A. Construction noise estimates considered conservative, based on continuous typical usage noise levels over a 1-hour period of the two loudest pieces of construction equipment. Boldface values indicate an exceedance of the significance threshold criterion.*

Note[2]: *Existing Noise level Leq based on measurements taken for 15 minutes between 7 a.m. and 6 p.m. of sound level measurement location closest to receptor.*

Note[3]: *The approximate duration of 5 months was based on the Planning Department's request for information from the project sponsor.*

Note[4]: *Increases in L_{eq} from existing project of 10dBA or more over ambient levels are considered to be substantial increases in ambient noise levels.*

Raw Data - Noise Level Readings

R1

Date	Time	Noise Reading (dBA)
Thursday 1/17/19	4:48 p.m.	45.8
Thursday 1/17/19	4:49 p.m.	41.5
Thursday 1/17/19	4:50 p.m.	42.7
Thursday 1/17/19	4:51 p.m.	44
Thursday 1/17/19	4:52 p.m.	43.5
Thursday 1/17/19	4:53 p.m.	49.8
Thursday 1/17/19	4:54 p.m.	41
Thursday 1/17/19	4:55 p.m.	38.6
Thursday 1/17/19	4:56 p.m.	46.7
Thursday 1/17/19	4:57 p.m.	45.3
Thursday 1/17/19	4:58 p.m.	46.2
Thursday 1/17/19	4:59 p.m.	42
Thursday 1/17/19	5:00 p.m.	45.5
Thursday 1/17/19	5:01 p.m.	45
Thursday 1/17/19	5:02 p.m.	47
Average		44.31

Taken from the 4th floor, outside of building on outer fire escape at 3550 California Street

R2

Date	Time	Noise Reading (dBA)
Thursday 1/17/19	3:12 p.m.	35.4
Thursday 1/17/19	3:13 p.m.	36.1
Thursday 1/17/19	3:14 p.m.	35.3
Thursday 1/17/19	3:15 p.m.	41.1
Thursday 1/17/19	3:16 p.m.	38.3
Thursday 1/17/19	3:17 p.m.	43.4
Thursday 1/17/19	3:18 p.m.	31.1
Thursday 1/17/19	3:19 p.m.	35.3
Thursday 1/17/19	3:20 p.m.	35.9
Thursday 1/17/19	3:21 p.m.	37.7
Thursday 1/17/19	3:22 p.m.	38.4
Thursday 1/17/19	3:23 p.m.	40.5
Thursday 1/17/19	3:24 p.m.	43.6
Thursday 1/17/19	3:25 p.m.	40.8
Thursday 1/17/19	3:26 p.m.	41
Average		38.26

Taken on back deck near house 431 Locust St, furthest from the site

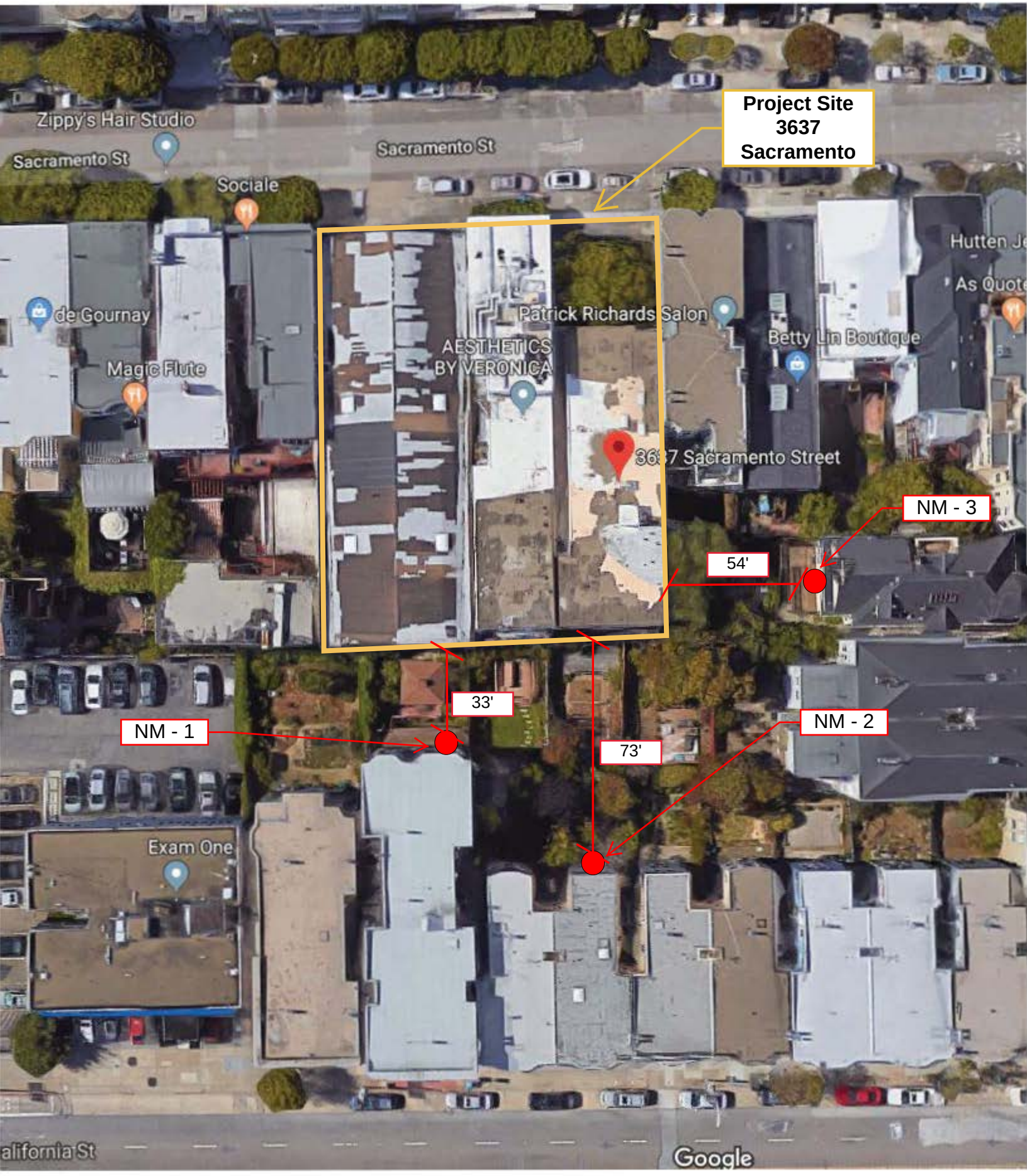
R3

Date	Time	Noise Reading (dBA)
Monday, 1/14/19	10:48 a.m.	45.6
Monday, 1/14/19	10:49 a.m.	50.2
Monday, 1/14/19	10:50 a.m.	47.3
Monday, 1/14/19	10:51 a.m.	46.4
Monday, 1/14/19	10:52 a.m.	45.3
Monday, 1/14/19	10:53 a.m.	46.9
Monday, 1/14/19	10:54 a.m.	44.4
Monday, 1/14/19	10:55 a.m.	46.2
Monday, 1/14/19	10:56 a.m.	45.4
Monday, 1/14/19	10:57 a.m.	45.2
Monday, 1/14/19	10:58 a.m.	47.2
Monday, 1/14/19	10:59 a.m.	46
Monday, 1/14/19	11:00 a.m.	46.5
Monday, 1/14/19	11:01 a.m.	45.2
Monday, 1/14/19	11:02 a.m.	46
Average		46.3

Taken in the rear yard near house at 3530 California St

Note: Readings were taken using a EXTECH, Model 407732 Digital Sound Level Meter

Figure A



3637 Sacramento Street - Noise Monitor (NM) Locations

Attachment C

Vibration – Substantial Evidence and Supporting Documentation

Attachment C, Vibration – Substantial Evidence and Supporting Documentation

The project involves the use of construction equipment that would result in substantial groundborne vibration on properties adjacent to the project site. There are neighboring buildings immediately adjacent to the proposed project to the east and west, 3631/3661 Sacramento Street and 3665 Sacramento Street, respectively.

Although no pile driving is proposed, there will be substantial levels of vibration due to the demolition for the concrete garage, as well as excavation, compaction, and grading activities due to the underground parking and foundation installation. Therefore, the project would result in the exposure of persons to or generation of excessive groundborne noise and vibration. This impact would be significant.

Table 4 summarizes the highest potential construction-related groundborne vibration levels predicted during the demolition, excavation, shoring and site preparation phase of the project, based on distance to the nearest existing adjacent structures. Results in **Table 4** are based on vibration emissions from a vibratory roller, excavator with hoe ram, drilling and dropping demolition debris. Vibration levels estimated for adjacent buildings are expected to be well above the structural damage standard of 0.25 in/sec Peak Particle Velocity (PPV) for old non-residential buildings and 0.30 in/sec PPV for old residential structures. As can be seen in **Table 4**, the anticipated vibration levels are anticipated to exceed the standards for architectural and structural damage, and thus, mitigation measures (such as a detailed vibration monitoring program) are required.

Table 4.

Maximum Anticipated Construction Groundborne Vibration Levels at Offsite Sensitive Receptors

Construction Equipment	PPV at 25 Feet (in/sec) *NOTE[1]*	Distance to Nearest Structure (feet) *NOTE[2]*	PPV at Nearest Structure (in/sec) *NOTE[3]*	Exceeds Architectural Damage Standard (0.2 in/sec)	Exceeds Structural Damage Standard (0.5 in/sec)
Loaded Trucks	0.076	5	0.44	Yes	No
Excavator with Hoe Ram attachment or Pulverizer attachment	0.089	5	0.523	Yes	Yes
Excavator with Auger attachment (Cassian Drilling)	0.089	5	0.523	Yes	Yes
Vibratory Rollers/ Compactor	0.210	5	1.23	Yes	Yes

***NOTE*[1] Based on Federal Transit Administration Transit Noise and Vibration Impact Assessment (May 2006). Table 12-2, p. 12.12

***NOTE*[2] Based on distance to nearest adjacent properties to the east and west, 3631/3661 Sacramento Street and 3665 Sacramento Street. Actual distance could be less than 5 feet due to the shared lot line.

***NOTE*[3] Based on Caltrans, Transportation and Construction Vibration Guidance Manual (Sept 2013) p. 37. Calculation of PPV at distance is: PPV(distance) = PPV (ref) x [(ref distance)/(distance to receiver)][1.1]

Exhibit 1

Page 14 from Harold Lewis and Associates, Geotechnical Consultants dated 7-15-09

In general, the fill and/or wall backfill materials placed at the site will have to be compacted to at least 90 percent relative compaction by mechanical means only as determined by ASTM Test Designation D1557. The fill and backfill materials should be spread and compacted in lifts not exceeding 8-inches in uncompacted thickness.

We recommend that a subdrain system be installed beneath the lower level Mat slab. Generally, the subdrain system should consist of 1-foot wide trenches that extends at least 1-foot below the rough pad grade of the garage area. Four-inch diameter perforated pipes embedded on permeable material (well-graded mixture of sand and gravel approved by our office), should be installed at the bottom of the trenches and the remaining portions of the trench should be backfilled with permeable material. The permeable material in the trenches should be contiguous with the 6-inch layer of free draining gravel required under the Mat, as recommended below under Item B, "Mat Foundation".

Positive surface drainage should be provided adjacent to the future mixed-use building to direct surface water runoff away from the foundations to suitable discharge facilities. We recommend that rainwater collected on the roof of the building be transported through gutters, downspouts and closed pipes to the City st
Specific drainage requireme
presented below under Item

This means that a vibratory roller will be required to achieve the required minimum 90 percent relative compaction. The ASTM D1557 requires a Proctor Test to establish the actual field condition values to develop the site specific compaction specifications before any compaction takes place. Given that the project sponsor is presenting an aggressive schedule, the most likely piece of equipment that will be required is a vibratory roller. The reason is because this is the fastest way to achieve the required compaction results.

B. PRELIMINARY FOUNDATION R
MAT FOUNDATION

Our preliminary analyses in
commercial/residential stru
reinforced structural Mat f
6-inches of free draining gravel that is contiguous with the permeable material in the subdrain recommended above.

The Mat foundation may be initially designed for an allowable bearing pressure of **4000 pounds per square foot** due to due to dead plus live loads with a one-third increase for all loads including wind or seismic. This allowable bearing pressure is a net values; therefore, the weight of the foundations may be neglected for design purposes.

The Mat should be reinforced with top and bottom steel in both directions to allow the foundations to span local