

Mayor's Office of Housing and Community Development
City and County of San Francisco



London Breed
Acting Mayor

Kate Hartley
Director

I. PURPOSE

The Mayor's Office of Housing and Community Development (MOHCD) of the City and County of San Francisco is negotiating a Purchase and Sale Agreement (PSA) with McDonald's Corporation for the sale of 700-730 Stanyan Street to the City and County of San Francisco. The completion of the sale is subject to contingencies, one of which is a successful completion of a federal environmental review under the National Environmental Policy Act (NEPA). It is MOHCD's intention to use federal funding from the Community Development Block Grant Program to purchase the site. The site will be developed for affordable housing.

As part of the environmental review process, MOHCD is conducting an Environmental Justice (EJ) analysis to determine if the proposed project will disproportionately affect either low income or minority populations, often referred to as environmental justice communities. The EJ analysis includes consultation with representatives of the EJ communities regarding potential impacts and proposed mitigation measures.

MOHCD has identified the impacts that need to be mitigated as well as the measures necessary to mitigate these impacts and is seeking your comments on them and whether you believe there are alternatives to the identified mitigation measures.

II. PROPOSED PROJECT AND ALTERNATIVES

Upon acquisition of the parcel, MOHCD will consider three alternatives for development. After completion of the Environmental Review and the Section 106 process, the director of MOHCD will make a selection of one of these alternatives based upon public input, results of the environmental studies and results of the Section 106 Review and which would best realize the underlying purpose and need of developing affordable housing. Two of the alternatives include the demolition of the existing 5,000 square foot building as well as the paved parking lot. Consideration may be given to including ground floor commercial space, community programs space, bike storage, and an at-grade open space in either Alternative One or Two.

- Alternative One: Construction of a 50 foot, 5-story residential building
- Alternative Two: Construction of a 65 foot, 7-story residential building
- Alternative Three: No build no action alternative.

III. ENVIRONMENTAL JUSTICE POPULATION

The project site is located in Census Tract 166 of the 2010 U.S. Census. Based on 2010 Census data, within the City of San Francisco approximately 51.5 percent of the population is comprised of ethnic minorities and approximately 13.2 percent of the population has an income below the poverty level. Within Census Tract 166, approximately 21.7 percent of the population is comprised of ethnic minorities and approximately 13.4 of the

population is below the poverty level. The area is therefore, not considered to have an environmental justice population because the percentage of ethnic minorities is less than 50 percent and the percentage of the population above the poverty line is not meaningfully greater than the City of San Francisco as a whole.

Development of the project would provide low-income families with affordable housing opportunities. The ground floor may contain commercial space, community services space and resident amenity space. Because the site will provide housing and services for low income persons, the site itself will be considered an EJ site. However, because the site is not developed and the identity of the future residents is not known, MOHCD is reaching out to representatives of low income housing providers, advocates and service providers, homeless advocacy organizations and other interested parties.

IV. POTENTIAL IMPACTS AND MITIGATION MEASURES

A preliminary review of environmental impacts under compliance factors listed 24 CFR 58.5 and 58.6 and 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27 have resulted in the findings of the following impacts and mitigation measures:

Air Quality: While construction and operation of the project would result in criteria pollutant emissions at less-than-significant levels with respect to BAAQMD's thresholds of significance, construction would also result in fugitive dust.

Mitigation: The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008, San Francisco Health Code Article 22B, and San Francisco Building Code Section 106.3.2.6) requires a number of measures to control fugitive dust to ensure that construction projects do not result in visible dust. The project would implement Best Management Practices (BMPs) in compliance with the City's Construction Dust Control Ordinance and BAAQMD fugitive dust control guidelines and these BMPs would be effective in controlling construction-related fugitive dust to a less-than-significant level.

Lead and Asbestos: Demolition of existing buildings and structures could result in exposure of lead and asbestos.

Mitigation: Demolition of existing buildings and structures would be subject to BAAQMD Regulation 11, Rule 2, which is intended to limit asbestos emissions from demolition and renovation of structures and the associated disturbance of asbestos-containing waste material generated or handled during these activities. Furthermore, any buildings, structures, and properties on which the original construction was completed on or before December 31, 1978 to which lead-based paint disturbance or removal, include demolition, shall comply with Section 3406 of the City of San Francisco's Building Code. These regulations would minimize the release of airborne asbestos and lead emissions and would result in a less-than-significant impact.

Contamination and Toxic Substances: The Phase I Environmental Site Assessment (ESA) prepared for the project identified three recognized environmental conditions (RECs) associated with the project site. They are:

- Historical uses as a gas station and potential presence of undocumented underground storage tanks (USTs);

- Potential undocumented releases from the clothes cleaners that previously occupied the site;
- Possibility of soil vapor intrusion encroachment and impacted groundwater from undocumented releases from historical dry cleaners at surrounding properties.

Mitigation: Based on the identified three RECs it is recommended that a subsequent subsurface investigation (Phase II ESA) be conducted. The Phase II ESA would include soil, soil vapor and groundwater sampling to assess current subsurface conditions. Based on the findings of the Phase II ESA, additional remediation and construction measures could be necessary. In order to address the potential discovery of USTs, and soil vapor or groundwater contamination Mitigation Measure 1 – Phase II ESA, is proposed. This measure would require the completion of additional soil, soil vapor and groundwater sampling through the preparation of a Phase II ESA by a qualified expert. Contingent on the Phase II ESA findings, should contamination be found, MOHCD would be required to fulfil the necessary site remediation and worker safety measures, including additional site construction guidelines. These would include a Site Management Plan (SMP) to require additional site construction guidelines should findings of the Phase II ESA demonstrate adverse hazards, a Health and Safety Plan (HSP) to reduce potential health risk to on-site construction workers and the public, as well as a UST remediation requirement to reduce impacts related to the potential presence of an UST.

Historic Preservation: Construction activities at the project site have the potential to disturb archeological deposits as ground disturbing activity to a depth of at least 20 feet is contemplated. The San Francisco Planning Department has determined that with implementation of certain mitigation measures, which would be memorialized in a project specific Programmatic Agreement (PA), the undertaking would not adversely affect archeological resources. The Planning Department determined that there was no adverse effect on either of the two historic properties individually or as contributors to a potential district.

Mitigation: In order to address potential impacts to archeological and historic resources, the proposed PA would include measures to avoid adverse effects to buried or submerged historical resources. The terms of the PA include preparation of an Archaeological Testing Program. If a significant archaeological resource is present and could be adversely impacted, the PA requires an Archaeological Data Recovery Program. An Archaeological Monitoring Program may be required as determined by a qualified City Staff Archaeologist and should any archeological resource be discovered, the project archeologist shall prepare and submit a Draft Final Archeological Resource Report.

Construction Noise: The project would introduce new noise sources to the neighborhood from vehicle use on adjacent and nearby roadways by new residents and visitors. The project would also introduce short-term noises during the construction of the new building. The nearest sensitive land uses to the project area consist of a single-family residence immediately adjacent to the project site south-easternmost boundary.

Mitigation: Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, hoe rams, impact wrenches) must have manufacturer-recommended and City-approved mufflers for both intake and exhaust. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m. The project would be required to comply with regulations set forth in the Noise Ordinance.

Construction at the project site generally would be limited to daytime hours. Construction would not require auger cast piles to construct the foundation. Auger equipment would utilize intake and exhaust mufflers recommended by the manufacturers. Construction activities of the project shall comply with the above identified San Francisco Noise Ordinance. Therefore construction noise impacts from the project would be less than significant.

Operation Noise: The resulting exterior noise levels at the project site based on the DNL Calculator would fall within HUD's "normally unacceptable" range between 65 and 75 DNL for residential uses, therefore mitigation would be required to reduce interior noise levels.

Mitigation: Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects. Residences must be designed to limit intruding noise to an interior CNEL (or DNL) of at least 45 dBA. The San Francisco Department of Building Inspection (DBI) would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet state standards regarding sound transmission. Compliance with this requirement would ensure that interior noise levels of the project residential units would meet the interior noise goal of HUD and the State of California.

Geology and Soils: The project site is in a seismically active region; the San Andreas, San Gregorio, and Hayward Faults are the closest major faults, but none of them are located within 5 miles of the project site. The site is not within an Earthquake Fault Zone, as defined by the Alquist-Priola Earthquake Fault Zoning Act. In addition, the San Francisco Planning Department's CatEx Determination Layers Map shows that the project site is neither within a designated liquefaction hazard zone nor a landslide hazard zone.

Mitigation: Development of the site will be required to adhere to the San Francisco Building Code (SFBC), further reducing any potential impacts of liquefaction and landslides as a result of seismic activities. The SFBC derives from the adopted 2013 California Building Code. This code is administered and enforced by the San Francisco Department of Building Inspection (DBI), and compliance with all provisions is mandatory for all new development and redevelopment in the City. Throughout the permitting, design, and construction phases of a building project, Planning Department staff, DBI engineers, and DBI building inspectors confirm that the SFBC is being implemented by project architects, engineers, and contractors, including seismic and soil investigations and recommendations.

V. ACTION

MOHCD is requesting that you respond to this request for comments regarding the proposed mitigation measures so that we may identify all possible alternatives. Please provide a response by January 12, 2018 to Eugene Flannery at either the address or email below.

Should you have any questions about this project, you may contact Eugene Flannery by email at Eugene.Flannery@sfgov.org or at the Mayor's Office of Housing and Community Development, City and County of San Francisco, 1 South Van Ness Avenue, 5th Floor, San Francisco, CA 94103.