

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Site Mitigation and Restoration Program
700 Heinz Avenue, Suite 200
Berkeley, CA 94710

Project Title: Response Plan, 2550 Irving Street Affordable Housing Development

Project Location: San Francisco, California

County: San Francisco

Project Applicant: Tenderloin Neighborhood Development Corporation

Approval Action Under Consideration by DTSC: Response Plan

Statutory Authority: California Health and Safety Code, Chapter 6.82

Project Description: The project involves the installation of a vapor intrusion mitigation system (VIMS) comprised of a chemically rated vapor barrier liner and perforated sub-slab soil vapor collection piping within the 2550 Irving Street Affordable Housing project (Site). The Response Plan summarizes the evaluation of remedial alternatives and proposed response actions to protect human health and the environment. This alternative would additionally provide institutional controls to ensure long-term protection from residual soil gas impacts through a Land Use Covenant (LUC) and includes a VIMS Operations and Maintenance Plan (O&M Plan), California Land Reuse and Revitalization Act (CLRRRA)-type Site O&M Agreement, Financial Assurance, and voluntary/prudential 5-Year Reviews. The anticipated start date for this project has not been determined but is expected to begin sometime in early 2023 to 2024.

Background: The Site occupies approximately 19,125 square feet located at 2520 and 2550 Irving Street in San Francisco, California. The Assessor's Parcel Number (APN) assigned to the Site is 1724-038, which includes the addresses 2520 and 2550 Irving Street. According to the San Francisco Property Information Map (PIM) the Site is zoned under the Irving Street Neighborhood Commercial District. The Site is currently improved with a 18,561 square foot two-story commercial building, constructed in 1966, that is currently used as a bank (The Police Credit Union).

According to the Phase I Environmental Site Assessment (Phase I ESA; Path Forward 2020), the Site was vacant land as early as 1895 and remained vacant until at least 1915. By 1928, two structures had been developed in the central portion. The 1928 Sanborn map depicts these as a drugstore and a cleaning business. By 1940, a gas station had been added to the southeast corner of the Site, and by 1946, a second gas station had been added to the western end of the Site. By 1950, the central buildings on the Site were occupied by an undertaker, and in 1966, this business redeveloped the entire property with the current building and open areas for use as a mortuary and funeral chapel. The funeral business continued in the building until 1985, when the building was modified for its current use. The Site has been utilized as a bank since 1987.

Various subsurface investigations were conducted at the Site in 2019 and 2020 and were memorialized in the Site Assessment Plan (SAP) and Report of Findings (ROF) (Path Forward 2021). These efforts concluded that tetrachloroethene (PCE) in soil vapor is the main contaminant of concern (COC) on the Site. The source of the Site COC is likely associated with the historical cleaning business that operated from the 1920s through 1940s. Based on the SAP and ROF, the Response Plan was developed to address the soil vapor with elevated concentrations of PCE above health goals, and (as a contingency) breakdown products of PCE that may form in the future.

The Response Plan will be implemented by Path Forward with DTSC oversight. Project activities required to protect human health and the environment are being completed under a CLRRRA Agreement with DTSC.

The San Francisco (City) Planning Department has determined that this project meets the criterion under Senate Bill No. 35 (SB35) and the City, in its role as the California Environmental Quality Act (CEQA) Lead Agency, will make a SB35 Determination for development of the Site.

Project Activities: Based on the comparative analysis presented in the Response Plan, Alternative 3 was selected as the proposed response action for the Site. Alternative 3 is comprised of:

- Installation of the VIMS;
- Operations and Maintenance; and

- Land Use Covenant

A VIMS would be incorporated into the design of the proposed building. The VIMS would consist of a sub-slab venting system and a sub-slab vapor-barrier membrane. The sub-slab venting system would consist of a gravel layer with horizontal perforated piping to collect impacted soil gas from beneath the building slab and route it to the edge of the building, then route soil gas upwards through a vertical riser pipe that would run along the inner or outer building wall, for discharge above the roofline. The sub-slab venting system could also include inlets near the building exterior to dilute the sub-slab soil gas with ambient air. The sub-slab vapor-barrier membrane would be installed above the venting system and will provide a physical barrier to air flow into the building.

The ongoing effectiveness of the VIMS to prevent vapor intrusion at levels of concern at the buildings would be evaluated in accordance with the Site VIMS O&M Plan.

As mentioned above, this alternative would provide institutional controls to ensure long-term protection from residual soil gas impacts through a LUC that would prohibit residential use of the property unless engineering controls (i.e., the VIMS) are in place. The VIMS would be maintained, and accessible parts inspected regularly (e.g., annually) in accordance with the LUC (to be developed), the Site O&M Agreement, the VIMS O&M Plan, voluntary/prudential 5-Year Reviews, and a Financial Assurance instrument.

By virtue of the Site's location and historical uses, the project is required to comply with San Francisco Health Code Article 22A, known as the Maher Ordinance. The Maher Ordinance defines a process for characterization and mitigation of soil and groundwater contamination, for the protection of public health and safety during and after Site redevelopment. The City of San Francisco has deferred the oversight of mitigation measures for the contaminants onsite to the DTSC. Historical investigations and DTSC oversight related to historical Site use would likely satisfy the Maher requirements and further testing and mitigation beyond the DTSC requirements discussed in the Response Plan is unlikely to be required by the SFDPH. While the Site is exempt from San Francisco Health Code Article 22B, the San Francisco Dust Ordinance, due to parcel size being less than one acre, as a conservative measure the Tenderloin Neighborhood Development Corporation (TNDC) will prepare a Site Management Plan which will include dust control and monitoring measures during construction activities. It is expected that the San Francisco Department of Public Health (SFDPH), who oversees activities related to the Maher Ordinance, will indicate that the Site characterization and mitigation process conducted by TNDC and The Police Credit Union under DTSC oversight will effectively meet the requirements of the Maher Ordinance.

In the event biological, cultural, or historical resources are discovered during project activities, work will be suspended while a qualified biologist or cultural or historical resource specialist assesses the area and arrangements are made to protect or preserve any resources that are discovered. If human remains are discovered, no further disturbance will occur in the location where the remains are found and the County Coroner will be notified pursuant to the Health and Safety Code, Chapter 2, Section 7050.5.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Tenderloin Neighborhood Development Corporation

Exempt Status: Categorical Exemption: [CCR Title 14, Sec. 15330]

Minor Actions Take to Prevent, Minimize, Mitigate or Eliminate the Release or Threat of Release of a Hazardous Waste or Hazardous Substance.

Reasons Why Project is Exempt:

1. The project is a minor action designed to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances.
2. The project is a response action that will not exceed \$1 million in cost.
3. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses and does not involve the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123. No County or Bay Area Air Quality permits are anticipated to be required for the operation of the VIMS.
4. The project will be consistent with applicable state and local environmental permitting requirements. A grading permit from the City of San Francisco will be obtained if one is needed apart from the site development permit. No County or Bay Area Air Quality permits are anticipated for the mitigation.
5. The exceptions pursuant to Cal. Code Rags., title 14, § 15300.2 have been addressed as follows:

- a. Cumulative Impact. The project will not result in cumulative impacts because it is designed to be a short-term, final remedy that would not lead to a succession of projects of the same type in the same place over time.
- b. Significant Effect. The environmental safeguards and monitoring procedures that are enforceable and made a condition of project approval will prevent unusual circumstances from occurring so that there is no possibility that the project will have a significant effect on the environment.
- c. Scenic Highways. The project will not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, because it is not located within view of a highway officially designated as a state scenic highway.
- d. Hazardous Waste Sites. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- e. Historical Resources. The project is not expected to cause a substantial adverse change in the significance of a historical resource because none are anticipated. Outreach to Native American tribes is being conducted by the City in their role as the CEQA Lead Agency for the development.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control
 Site Mitigation and Restoration Program
 700 Heinz Avenue, Suite 200
 Berkeley, CA 94710

Additional project information is available on EnviroStor:

https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60003063

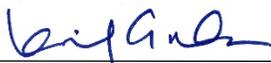
Contact Person
Arthur Machado

Contact Title
Engineering Geologist

Phone Number
(415) 723-0792

Approver's Signature:

Date:



September 3, 2021

Approver's Name
Kimberly Walsh
For: Juliet C. Pettijohn

Approver's Title
Unit Chief (Acting Branch Chief)
For: Branch Chief

Approver's Phone Number
(510) 540-3843

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: