

**CHAPTER SUMMARY:** This chapter summarizes how the No Build Alternative and three build alternatives, as well as the LPA (with or without the Vallejo Northbound Station Variant), could affect resources protected under Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303), which includes publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of National, State, or Local significance, or land of an historic site of National, State, or Local significance located on public or private land (49 USC 303).

# 6

## CHAPTER

# Final Section 4(f) Evaluation

This chapter provides an evaluation of the proposed project relative to Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303) and its implementing regulations, jointly codified by FHWA and FTA in March 2008 as a Final Rule at 23 CFR Part 744. Section 4(f), a law applying only to agencies within the U.S. DOT, including FTA, states it is the policy of the federal government “that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites” (49 USC 303). Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of National, State, or Local significance located on public or private land, only if:

- There is no prudent and feasible alternative to using that land; and
- The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

## 6.1 Proposed Action

SFCTA proposes, in cooperation with FTA and SFMTA, to implement BRT improvements along Van Ness Avenue in San Francisco. The Van Ness Avenue BRT is proposed in the northeastern quadrant of the City and County of San Francisco, California. Van Ness Avenue serves as US 101 through the central part of the city and is owned by Caltrans. The BRT alignment follows Van Ness Avenue/South Van Ness Avenue, a primary north-south arterial and transit spine, and extends approximately 2 miles from Mission Street at the south end to Lombard Street at the north end. Replacement of the OCS support pole/streetlight network, as part of the project, would extend from Mission Street to North Point Street.

Features common to all build alternatives, as well as the LPA (with or without the Vallejo Northbound Station Variant), for the Van Ness Avenue BRT Project include the following:

- **Dedicated bus lanes** separated from regular (mixed-flow) traffic to reduce delays and improve reliability.
- **Level or near level boarding** to decrease passenger loading time, increase service reliability, and improve access for all users.
- **Consolidated transit stops** to reduce delays due to existing stop spacing that does not meet Muni standards (stop locations and details shown in Chapter 2, Table 2-3).
- **High-quality stations**, each with an elevated platform, canopy for weather protection, comfortable seating, vehicle arrival time information, landscaping, and other amenities. Platforms would be large enough to safely and comfortably accommodate waiting

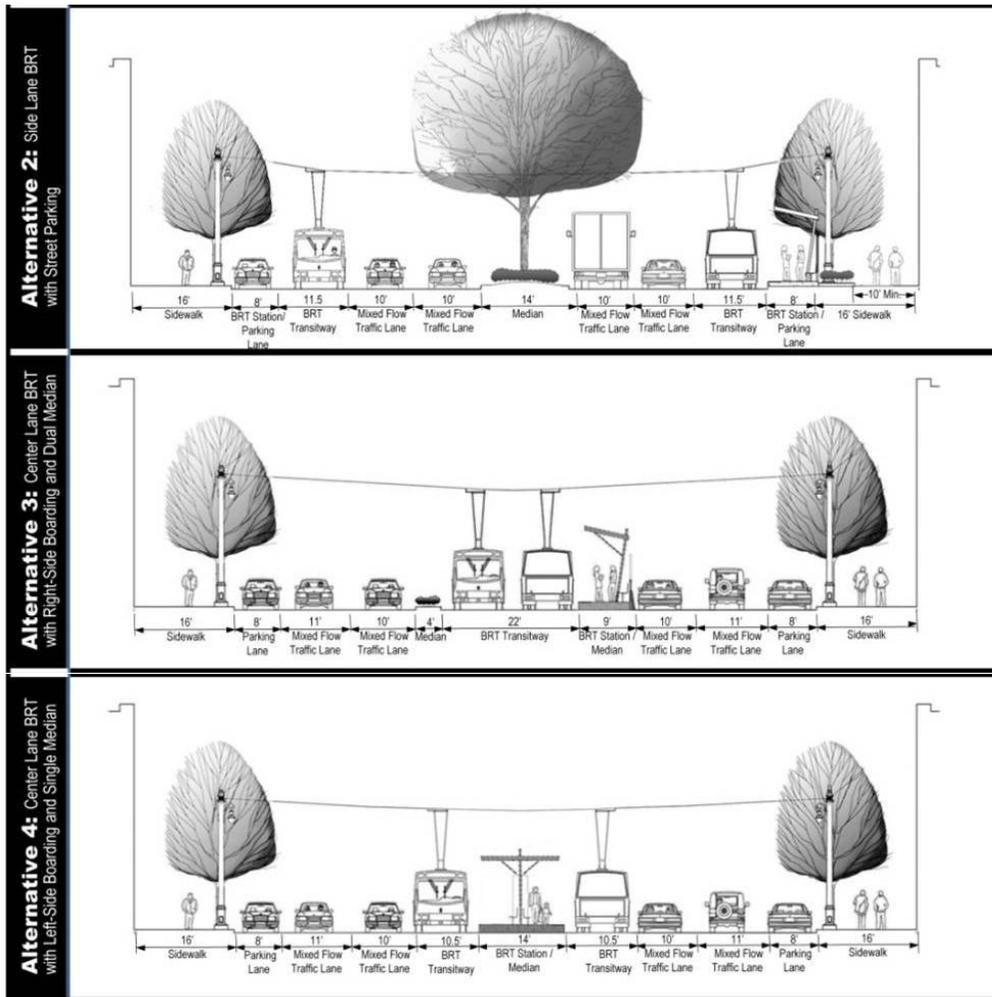
passengers, long enough to load two BRT vehicles, and designed to provide ADA accessibility.

- **Proof of Payment** allowing passengers to swipe their fare cards either on the platform before the buses arrive, or on-bus once boarded, allowing for all-door loading, and reducing passenger loading time.
- **Traffic signal optimization** using technology upgrades to allow real-time traffic management and optimal signal timing.
- **Transit Signal Priority (TSP)** to recognize bus locations and provide additional green light time for buses approaching intersections and reduce delay at red lights.
- **Fewer left-turn pocket lanes** for mixed-flow traffic by eliminating left turns at certain intersections to reduce conflicts with the BRT operation.
- **Pedestrian safety enhancements**, including enhanced median refuges, nose cones, and curb bulbs to reduce crossing distances at intersections and increase safety. Accessible pedestrian signals with crossing time countdowns would be installed at all signalized intersections in the project corridor.
- **Landscaping** of medians would promote a unified, visual concept for the Van Ness Avenue corridor. BRT stations would include landscaped planters, and landscaping would be incorporated as feasible to provide a buffer between bus patrons and adjacent auto and pedestrian traffic. In addition, the discontinuation of existing Muni bus stops and removal of bus shelters would open up additional sidewalk space at these locations. This would enhance the pedestrian environment at these locations and offer opportunities for tree planting.
- **OCS Support Pole/Streetlight Replacement** would replace and upgrade the overhead wire contact system and support poles/streetlights along Van Ness Avenue from Market Street to North Point Street to address the failing structural condition of the system. Improvements would include removal and replacement of existing poles and light fixtures. The replacement poles are proposed to be of compatible architectural design. Poles would be replaced in approximately the same locations on the sidewalk, within approximately 3 to 5 feet of the existing poles. The replacement poles would be designed to handle modern loads as required by the BRT. These poles would also provide street and sidewalk lighting. New lighting would be energy efficient, require low maintenance, and meet current lighting requirements for safety. A new duct bank would be constructed within the sidewalk area to support the streetlights and traffic signal interconnect conduits.

The three build alternatives shown in Figure 6-1, as well as the LPA, would include all of the BRT features listed above, but with differing lane configurations and associated station placement at the intersections. The three build alternatives are: Alternative 2 – Side-Lane BRT; Alternative 3 – Center-Lane BRT with Right-Side Boarding and Dual Medians; and Alternative 4 – Center-Lane BRT with Left-Side Boarding and Single Median. Chapter 2 describes each alternative in detail. A summary description of the LPA follows, and it is presented in detail in Chapter 10. Appendix A contains detailed plan drawings for each build alternative, including the LPA.

The LPA, Center-Lane BRT with Right-Side Boarding/Single Median and Limited Left Turns, is an optimized refinement of the two center-running build alternatives. BRT vehicles would operate alongside the median for most of the corridor, similar to Build Alternative 4, and at station locations, the BRT transitway would transition to the center of the roadway, allowing right-side loading using standard vehicles, similar to Build Alternative 3. The LPA also incorporates Design Option B, eliminating all left turns from Van Ness Avenue between Mission and Lombard streets, with the exception of the SB (two-lane) left turn at Broadway. The environmental consequences to Section 4(f) resources from the LPA (with or without the Vallejo Northbound Station Variant) fall within the range presented for Build Alternatives 3 and 4 in this chapter. Chapter 10 has details on the LPA, and Appendix A contains LPA plan drawings. See Figure 2-2 in Chapter 2 for two cross sections of the LPA, one showing a typical block with a station and the second showing a typical block without a station, and Figure 2-3 shows the Vallejo Northbound Station Variant.

**Figure 6-1: Cross Sections of Build Alternatives**



## 6.2 Section 4(f) Properties

### 6.2.1 | Cultural Resources

Properties that are on or eligible for the National Register of Historic Places (including historic districts, buildings, structures, objects, and certain archaeological sites) qualify for Section 4(f) protection.

Prior to conducting the Section 4(f) analysis, the process to identify and evaluate historic properties as required under Section 106 of the National Historic Preservation Act (NHPA) was completed for the proposed project, and concurrence with the agency's finding was made by the California State Historic Preservation Officer (SHPO). Seven historic properties, including one historic district, were identified within the proposed project's area of potential effects and are considered Section 4(f) resources:

- 11-35 Van Ness Avenue (Masonic Temple)
- San Francisco Civic Center Historic District
- 799 Van Ness Avenue (Wallace Estate Co. Garage)
- 945-999 Van Ness (Ernest Ingold Chevrolet Showroom)
- 1320 Van Ness Avenue (Scottish Rite Temple)

- 1699 Van Ness Avenue (Paige Motor Car Co. Building)
- 1946 Van Ness Avenue (California Oakland Motor Co. Showroom)

The Historic Property Study submitted by FTA to the California SHPO also discussed prehistoric and historical archaeological resources that might be present within the proposed project's area of potential effects (APE). Because the project APE is completely covered by contemporary urban development, any archaeological resources, should they be present, could only be encountered during subsurface excavation and not by means of field surveys. As a result, a sensitivity assessment was conducted to determine the potential for buried archaeological resources in the APE, taking into account factors affecting past human use or occupation, and the earlier evolution of land forms located in this part of San Francisco. After further consultation between FTA and the SHPO, it was agreed that the potential for encountering buried resources will be determined through focused documentary research and reconstructing the history of changes to the physical landscape, including cuts and fills to more accurately identify locations with potentially significant prehistoric remains (see Section Chapter 4, Section 4.5.2). The research may result in recommendations for subsurface testing and possible mitigation, which would only take place just prior to construction, after design plans are finalized, and only if a potentially significant resource was identified and could not be avoided.

### 6.2.2 | Parks and Recreation Properties

There are 20 public park and recreational resources in the general project study area, as listed in Table 4.2-7 and graphically depicted in Figure 4.2-3: 10 parks, 5 recreational facilities, and 5 other public spaces. With the exception of Fort Mason at the extreme northern end of the project limits, all such facilities are one block or greater distance away from Van Ness Avenue. Fort Mason abuts Van Ness Avenue at Bay Street, but a formidable high wall separates it from the avenue and sidewalk.

## 6.3 Impacts on Section 4(f) Properties

The Section 4(f) "use" of a resource is defined and addressed in the FHWA/FTA Regulations at 23 CFR 774.17. A "use" is classified in one of three ways: (1) as a direct use/permanent incorporation, (2) temporary occupancy, or (3) as a constructive use. Section 4(f) uses are described in more detail below.

**Direct Use.** A direct use occurs when lands containing Section 4(f) resources will be permanently incorporated into a transportation facility.

**Temporary Occupancy.** A temporary occupancy occurs when the occupancy of the Section 4(f) resource is adverse in terms of the statute's preservation purpose (i.e., the attributes of the resource that qualify it for Section 4(f) consideration). After the occupancy, the resource must be restored to the condition in which it was prior to construction.

A temporary occupancy (e.g., right-of-entry, construction, and other temporary easements) will not constitute a use of a Section 4(f) resource when all of the following conditions are met:

- Duration (of the occupancy) must be temporary (i.e., less than the time needed for construction of the project, and there should be no change in land ownership).
- Scope of the work must be minor (i.e., both the nature and magnitude of the changes to the Section 4(f) resource are minimal).
- There are no anticipated permanent adverse physical impacts or interferences with the protected activities, features, or attributes.
- The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that what existed prior to the project).

- There must be documented agreement by the official(s) with jurisdiction over the resource regarding the previously described conditions.

**Constructive Use.** A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in adverse impacts (e.g., noise, visual, access, and/or vibration impacts) so severe that the activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only if the protected activities, features, or attributes of the resource are substantially diminished, meaning that the value of the resource in terms of its Section 4(f) significance will be meaningfully reduced or lost. This determination is made through the following process:

- Identification of the current activities, features, or attributes of the resource that may be sensitive to proximity impacts.
- Analysis of the potential proximity impacts on the resource.
- Consultation with the appropriate officials having jurisdiction over the resource.

The FHWA/FTA Section 4(f) regulations stipulate that when a project's impacts in the vicinity of Section 4(f) resources are so severe that the resources' activities, features, attributes, or activities qualifying the property for protection under Section 4(f) are substantially impaired, then a feasible and prudent avoidance alternative must be considered by means of a Section 4(f) evaluation, even if the project does not actually intrude into the Section 4(f) property. Such impacts constitute "Constructive Use" of the property and may include these examples:

- The projected noise level increase attributable to a proposed project substantially interferes with the use and enjoyment of a resource protected by Section 4(f), such as enjoyment of a historic property where a quiet setting is a generally recognized characteristic.
- The proximity of a proposed project substantially impairs aesthetic features or attributes of a resource protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the resource. An example of substantial impairment to visual or aesthetic qualities would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or detracts from the setting of a park or historic site which derives its value in substantial part from its setting.
- A proposed project results in a restriction of access to the Section 4(f) resource, which substantially diminishes or eliminates the utility or function of the resource.

The vibration impact from operation of a proposed project would substantially impair the use of a Section 4(f) resource, such as a projected vibration level that is great enough to affect the structural integrity of a historic building or substantially diminish the utility of a historic building.

The proposed project does not require the acquisition of any Section 4(f) protected properties, so there would be no direct use/permanent incorporation of such properties.

Construction of any of the BRT build alternatives (including Design Option B and the LPA) would occur within the existing Van Ness Avenue curb-to-curb roadway, with the exception of potential landscaping and tree replacement, OCS support poles/streetlights, pedestrian signals, and station platforms, depending on the alternative, which would involve areas near the sidewalk and in proximity to NRHP properties (i.e., Section 4(f) resources). Construction activities are not expected to require the temporary utilization of, or have adverse effects on any Section 4(f)-protected NRHP properties, as detailed in Section 4.5.4.5. Construction activities that may occur adjacent to historic resources are expected to be of short duration and would be conducted in accordance with permit conditions to protect the physical urban environment, thus limiting potential impacts during construction. Accordingly, no Section 4(f) temporary impacts are expected.

**The proposed project does not require the acquisition of any Section 4(f) protected properties, so there would be no direct use/permanent incorporation of such properties.**

KEY FINDING

**No Section 4(f) temporary impacts related to construction are expected.**

Relative to potential constructive uses, while the proposed changes associated with the project build alternatives, including the LPA (with or without the Vallejo Northbound Station Variant), would result in a slight alteration to the contemporary urban setting of Van Ness Avenue, they would not constitute a significant alteration to the setting, feeling, or atmosphere of any of the seven significant historic architectural properties in the APE (see Section 4.5.4.5).

Certainly for historic properties located in a setting where the sense of quiet represents a characteristic of its historical significance, increases in noise and vibration could have the potential of causing adverse effects and significant impacts. This is clearly not the case with the properties abutting Van Ness Avenue, a transportation facility serving as US 101 through San Francisco for almost seven decades. The Noise and Vibration Study (Parsons, 2010b) determined that application of standard mitigation measures required by the City and Caltrans would reduce construction impacts to less than significant; however, temporary increases in noise and vibration would still occur at some locations. That said, operational project-generated and cumulative traffic noise along Van Ness Avenue would remain below both FTA and Caltrans impact threshold criteria. As the existing project area's noise levels are typical for a dense urban environment, noise associated with the BRT system would not be substantially different with its implementation and would not be out of character with the urban setting. The same study also concluded that BRT transit vehicle operational vibration impacts would be less than significant relative to the applicable FTA criteria. Based on these study findings, therefore, it is expected that the project would cause no proximity impact to historic structures as a result of noise or vibration.

## KEY FINDING

**It is expected that the project would cause no proximity impact to historic structures as a result of vibration.**

The compatibility of the proposed Van Ness Avenue BRT Project with the character of the visual setting of the affected historic resources needs also to be considered as part of the Section 4(f) constructive use analysis. As discussed in Sections 4.4.3.4 and 4.5.4.5, the compatibility of the proposed project is determined by a number of factors, including the size and proportion of the project features relative to the surrounding historic structures and character-defining features of the historic properties' architectural design, the height of the new BRT project elements and any shadows they might cast, color inconsistencies, and any important historic landscape elements that project components may obscure. Because the Van Ness Avenue BRT Project would be implemented in an already completely urbanized environment, changes to the overall visual setting would be largely inconsequential.

FTA has determined that a constructive use does not occur when compliance with the requirements of 36 CFR 800.5 for proximity impacts of the proposed action on sites listed on or eligible for the NRHP results in an agreement of "no historic properties affected" or "no adverse effect" (23 CFR 774.15 [f][1]). For the proposed Van Ness Avenue BRT Project, an assessment of the project's effects on historic and architectural resources was completed. FTA and SFCTA, in applying the Criteria of Adverse Effect, concluded that a Finding of No Adverse Effect with Conditions (for focused documentary research for archaeological resources) is appropriate for the LPA and sought concurrence from the SHPO pursuant to 36 CFR 800.5(c). Upon review of this determination, the SHPO concurred that the project would not change the NRHP eligibility status for any of the seven significant historic and architectural properties in the APE and that the proposed undertaking would have no adverse effect on these properties, or on archaeological resources with the condition that the project proponents will produce detailed documentary research and a site treatment plan, if necessary (see Section 4.5.4), to identify and protect potential buried archaeological resources (see SHPO letter dated May 17, 2013, Appendix C). Therefore, as defined in the regulations (see Section 4.5.4.2), constructive use of the Section 4(f) historic architectural properties and use of potential Section 4(f) archaeological resources would not occur.

## KEY FINDING

**Constructive use of the Section 4(f) historic architectural properties would not occur.**

## KEY FINDING

**There are no direct, temporary, or constructive uses of any of the 20 park and recreational facilities located in the vicinity of the project area.**

The Section 4(f) regulations (23 CFR 774.13(b)) exclude archaeological sites on or eligible for listing in the NRHP when it is concluded that the archaeological resources are important chiefly because of what may be potentially learned by means of data recovery through excavation (i.e., eligible under Criterion D, in which the property has yielded, or is likely to

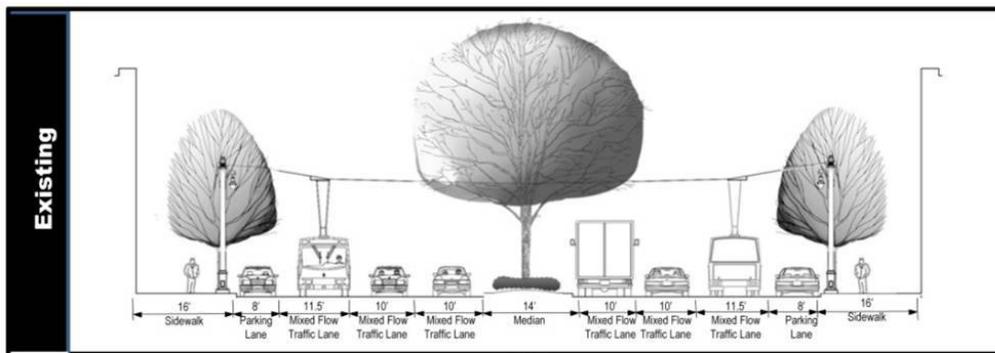
yield, information important in history or prehistory), rather than warranting preservation of the site in place without excavation. Should archaeological resources be inadvertently discovered during construction, a determination as to National Register-eligibility will be made. If any archaeological sites are subsequently determined to be eligible for the NRHP, and to warrant preservation in place, the SFCTA, in concert with FTA, will prepare separate Section 4(f) evaluations for such resources.

There are no direct, temporary, or constructive uses of any of the 20 park and recreational facilities located in the vicinity of the project area.

## 6.4 Avoidance Alternative

The No Build Alternative would include only improvements that are planned to occur regardless of whether BRT is implemented, including pavement rehabilitation and incremental replacement of the OCS and support poles/streetlights. New, low-floor buses, on-bus proof of payment, and real-time passenger information at major bus stops would result in minor improvements to transit service. Pedestrian improvements at select locations would include curb ramp upgrades, countdown signals, and accessible signals. Figure 6-2 provides a typical cross section of Van Ness Avenue as it exists today, and this would remain the same under the No Build Alternative.

**Figure 6-2: No Build Alternative (Existing Conditions) Cross Section**



## 6.5 Measures to Minimize Harm

There would be no use of known archaeological resources. Section 4.15.4.2 incorporates mitigation measures (M-CP-1 through M-CP-4) to address potential impacts to buried archaeological resources prior to and during construction. These mitigation measures stipulate there will be more detailed investigation of the potential for encountering archaeological resources through focused documentary research and that all actions are employed to protect archaeological resources that may be discovered during construction. These mitigation measures are derived from the Finding of Effect with Conditions prepared by FTA and SFCTA for the LPA (Parsons, 2013c). As discussed above, the SHPO concurred with these measures as part of the basis for the determination of No Adverse Effect with Conditions for the LPA (see Appendix C).

There would be no direct impacts to any of the seven properties listed on or eligible for the NRHP from implementation of the build alternatives, including the LPA (with or without the Vallejo Northbound Station Variant). The project would not alter any historic structures. While the project would traverse the Civic Center Historic District, compliance with local ordinance requirements would ensure compatibility of the project with the features of the historic district. Station platforms would be located in the median of Van Ness Avenue in proximity to some of the identified historic properties, including individual structures within

the Civic Center Historic District, as discussed in Section 4.5.4.5. As a result, the build alternatives, including the LPA (with or without the Vallejo Northbound Station Variant), would have some visual effect on the setting. In all such cases, however, the changes would constitute only minor visual alterations, and the historic properties would not be adversely affected under the LPA, as determined by the FTA and concurred with by the SHPO (see Section 6.3).

While the project would not have direct impacts on historic properties, the project incorporates various amenities and landscape features to enhance the experience of residents, motorists, transit riders, cyclists, and pedestrians in the Van Ness Avenue corridor and visually blends the transportation improvements into the existing urban neighborhood setting in a manner that is compatible with its context and setting.

Opportunities for harmonizing the visual effects of project elements with adjacent historic properties will continue to be developed as the design consultation process goes forward. Design elements, appropriate lighting, compatible materials, and color choices that complement and do not visually compete or clash with the nearby historic properties and are sensitive with their surroundings will be identified. Design will be guided by the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards) to the extent applicable. For all design elements along Van Ness Avenue, a consulting historic architect working on behalf of SFMTA will review project plans to assure design elements are compatible with the character-defining features of the historic district in terms of massing, size, scale, and architectural features.

The U.S. Department of the Interior's Standards, codified in 36 CFR, Part 68, are, according to the agency's website, "common sense principles in non-technical language [that] were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices" (<http://www.nps.gov/tps/standards.htm>). The Standards are a series of concepts succinctly expressed about maintaining, repairing, and replacing historic materials, as well as about designing new additions or making alterations to historic resources, including related landscape features and the building's site and environment, including adjacent or related new construction.

Following are the Standards most relevant to the Van Ness Avenue BRT Project:

- The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

In this instance, where the project will not alter historic structures but will be located in proximity to historic structures, the Standards will serve as a guide to assure that new structures are compatible with and do not radically change, obscure, damage, or destroy character-defining materials or features associated with historic properties.

For the portion of the project located in the Civic Center Historic District, San Francisco ordinance requires the project to obtain a certificate of appropriateness from the San Francisco Historic Preservation Commission (SFHPC). To grant a certificate of appropriateness, the SFHPC will require compliance with the Secretary of Interior Standards, conformity with San Francisco General Plan policies outlined in Section 4.4.1.1 of this document, and compatibility with the character-defining features of the Civic Center Historic District, as described in the San Francisco ordinance designating this district. Elements of the streetscape design of the project that would be reviewed and approved by

the SFHPC include the platform boarding areas and shelters, the replacement OCS support poles/streetlights within the Civic Center Historic District/War Memorial, landscaping, and related streetscape elements. The City Hall Preservation Advisory Commission also will review the proposed design elements in the Civic Center Historic District.

## 6.6 Coordination

The evaluation of historic and architectural resources began with the delineation of the APE. The SHPO reviewed and concurred with the adequacy of the historic and architectural APE delineated for the project alternatives on May 10, 2010 (see Appendix D for the APE exhibit maps and Appendix C for the SHPO concurrence letter). Many of the resources in the APE have been documented by previous local reconnaissance surveys, and some are listed as “significant” or “contributory” buildings in San Francisco’s “Van Ness Avenue Area Plan.” According to *San Francisco Preservation Bulletin 16*: “City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources,” these types of previous ratings do not qualify as an adopted local register for the purposes of CEQA, and require further review. This further review was provided by submitting an advance copy of the Van Ness Avenue BRT HRIER and accompanying evaluation forms to the staff of the Historic Preservation Commission. As part of local agency coordination, an advance draft of this report was provided to the City of San Francisco Planning Department (Historic Preservation Commission staff) for review and comment. As the project corridor, Van Ness Avenue serves as US 101 through the City of San Francisco; a copy of the HPS was also provided to Caltrans for their review and comment. The SHPO concurred with the project’s historic property eligibility findings by letter dated May 10, 2010 (see above).

The analysis of effects that may occur from implementation of the LPA (see Section 4.5.4.5) led the FTA, in cooperation with the SFCTA and in consultation with the SHPO, to determine that there would be no adverse effects under Section 106 (signifying that the NRHP eligibility status would not change for any of the historic properties). By letter dated May 17, 2013, the SHPO concurred with the finding of No Adverse Effect with Conditions that the project would not change the NRHP eligibility status for any of the seven significant historic and architectural properties in the APE, or for potential archaeological sites with the condition that the project proponents will produce detailed documentary research and a site treatment plan, if necessary, to identify and protect buried archaeological resources (see Section 4.5.4).

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