



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Case No.: 2013.1281E
Project Title: 1335-1339 Folsom Street
Zoning/Plan Area: NCT (Folsom Street Neighborhood Commercial Transit)
65-X Height and Bulk District
Western SoMa Community Plan
Block/Lot: 3519/063 and 064
Lot Size: 5,700 square feet
Project Sponsor: Tomas Janik, Realtex Condominiums LLC
(415) 923-8377
Staff Contact(s): Susan Mickelsen, (415) 575-9039, susan.mickelsen@sfgov.org
Tania Sheyner, (415) 575-9127, tania.sheyner@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project site consists of two rectangular parcels in the City's South of Market (SoMa) neighborhood and Western SoMa Plan Area with frontages along both Folsom Street and Dore Street (a dead-end alley at this location). The approximately 5,700 square-foot (sf) project site is located on the block bounded by Folsom Street to the north, Ninth Street to the east, Sheridan and Harrison Streets to the south, and Tenth Street to the west. The project site is currently occupied by a two-story, approximately 10,000-square-foot (sf) commercial (Kung's Trading Company) building constructed in 1923, which has two loading doors and related curbcuts on Dore Street (alley).

The project sponsor proposes to demolish the existing building on the site and construct an approximately 30,405 sf, six-story, 65-foot-tall mixed-use residential building (up to 75-feet-tall at the mechanical penthouse). The approximately 21,260 sf of residential area would consist of 53 single-room occupancy (SRO) dwelling units located at all levels, and four hotel rooms (960 sf) located on the fourth and fifth floors. Additionally, there would be 660 sf of proposed retail space located on the ground floor facing Folsom Street. The project would also include 1,635 sf of bicycle parking areas and 6,850 sf of utility, circulation, and shared amenity areas.

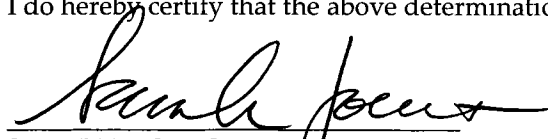
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EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3.

DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.


SARAH B. JONES
Environmental Review Officer

December 23, 2015
Date

cc: Tomas Janik, Project Sponsor
Doug Vu, Current Planner
Supervisor Jane Kim, District 6

Virna Byrd, M.D.F.
Exclusion/Exemption Dist. List

PROJECT DESCRIPTION (continued)

The proposed 360 to 395 sf SRO units would include bathrooms and kitchens and the hotel rooms would be 240 sf in size.¹ The proposed project is subject to the Inclusionary Affordable Housing Program requirements, and would provide 12 percent of the unit total, or six units as on-site affordable housing. No basement level is proposed as part of this project. The project would not include any off-street parking spaces, and would remove the two curbcuts on Dore Street. The project would include 55 Class I bicycle parking spaces (53 residential, one retail and one hotel bicycle parking space) located on the first through third floors (17 to 19 at each level) and seven Class II bicycle parking spaces on Folsom Street.² Open space would be provided through a mix of private terraces on the residential units and common usable open space located on the sixth floor. The project depth of excavation would be approximately three feet deep, with an estimated 512 cubic yards of excavation. The project would be built on either a mat foundation with soil improvements up to 30-feet-deep or a deep foundation with torque-down piles to at least 30-feet-deep (to the clay layer).

PROJECT APPROVAL

The proposed project would require the following approvals:

- **Site permit** (*Planning Department and Department of Building Inspection*)
- **Demolition, Grading and Building Permits** (*Department of Building Inspection*)
- **Street Improvement and related Construction Permits** (*San Francisco Public Works*); and
- **Lot merger** (*San Francisco Public Works*)

Approval of demolition and buildings permits is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

¹ Under Planning Code Section 890.88, an SRO unit is defined as a dwelling or group housing room with one occupied room and a maximum gross floor area of 350 sf. The proposed units are individual dwelling units (not group housing) and the occupied room of the units (which excludes the bathroom square footage) is up to 350 sf.

² Bikeways are classified as Class I, Class II, or Class III facilities. Class II bikeways are bike lanes striped within the paved areas of roadways while Class III bikeways are signed/designated bike routes that allow bicycles to share travel lanes with vehicles.

This determination evaluates the potential project-specific environmental effects of the 1335-1339 Folsom Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project (Western SoMa PEIR)³ Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Western SoMa PEIR.

After several years of analysis, community outreach, and public review, the Western SoMa Community Plan was adopted by the Board of Supervisors on March 19, 2013, and effective as of April 27, 2013. The Community Plan included changes to existing zoning, height and bulk districts in some areas, including the project site at 1335 Folsom Street. The Planning Commission certified the Western SoMa PEIR on December 6, 2012.⁴

The 1335-1339 Folsom Street site is located in the Western SoMa Community Plan area. As a result of the Western SoMa rezoning process, the project site has been rezoned to a 65-X Height and Bulk District, as well as a Folsom Street Neighborhood Commercial Transit (NCT) District. The Folsom Street NCT District is intended to protect the balance and variety of retail uses along the ground floor, and promote housing in the floors above. The proposed project is consistent with uses permitted within the Folsom Street NCT District.

Individual projects that could occur in the future under the Western SoMa Community Plan will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 1335-1339 Folsom Street is consistent with and was encompassed within the analysis in the Western SoMa PEIR. This determination also finds that the Western SoMa PEIR adequately anticipated and described the impacts of the proposed 1335-1339 Folsom Street project, and identified the mitigation measures applicable to the project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{5,6} Therefore, no further CEQA evaluation for the 1335-1339 Folsom Street project is required. In sum, the Western SoMa PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

Western SoMa is located between Market Street and Interstate 80, north of the U.S. 101 elevated exit toward Octavia Boulevard. The block of Folsom Street between Ninth and Tenth Streets, on which the project site is located, consists of residential, commercial, and light industrial uses. The surrounding buildings vary in appearance and height. The one- to two-story generally industrial buildings along Folsom Street consist of masonry construction, while the taller four- to six-story buildings across Folsom

³ San Francisco Planning Department, Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Final Environmental Impact Report (PEIR), Planning Department Case Nos. 2008.0877E and 2007.1035E, State Clearinghouse No. 2009082031, certified December 6, 2012. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed July 11, 2014.

⁴ Ibid.

⁵ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning Analysis, 1335 Folsom Street, October 20, 2015. This document is on file and available for review as part of Case File No. 2013.1281E.

⁶ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 1335 Folsom Street, October 13, 2015. This document is on file and available for review as part of Case File No. 2013.1281E.

Street and Dore Street are more modern in appearance and characterized by stucco, steel, and glass. Several tall residential buildings are located along Folsom Street block, interspersed with the low-rise industrial-style buildings. Folsom Street and Dore Street in this location have limited street landscaping and trees, and include some older three- and four-store multi-unit residential buildings, in architectural styles typical of San Francisco. Dore Street adjacent to the project site is a two-way dead-end alley with sidewalks on both sides of the street. Directly adjacent to the project site on Folsom Street is a two-story single-family residential building to the east and across Dore Street a three-story mixed-use residential/retail building. A three-story, six-unit residential building is located adjacent to the south of the project site on Dore Street.

POTENTIAL ENVIRONMENTAL EFFECTS

The Western SoMa PEIR included analyses of the following environmental issues: land use; aesthetics; population and housing; cultural and paleontological resources; transportation and circulation; noise and vibration; air quality; greenhouse gas emissions; wind and shadow; recreation; public services, utilities, and service systems; biological resources; geology and soils; hydrology and water quality; hazards and hazardous materials; mineral and energy resources; and agricultural and forest resources.

The proposed 1335-1339 Folsom Street project is in conformance with the height, use and density described in the Western SoMa PEIR for the project area and would represent a small part of the land use growth that was forecast for the Western SoMa Community Plan. Thus, the Plan growth analyzed in the Western SoMa PEIR considered the incremental impacts of the proposed 1335-1339 Folsom Street project. As a result, the proposed project would not be anticipated to result in any new or substantially more severe impacts than were identified in the Western SoMa PEIR.

Significant and unavoidable impacts were identified in the PEIR for the following topics: historic architectural resources, transportation and circulation, noise, air quality, and shadow. As further discussed in the CPE Checklist, the proposed project would not result in demolition, alteration, or modification of any historic or potentially historic resources, or resources contributing to a historic district. Therefore, the project would not contribute to any historic resource impact. The proposed project could contribute to the significant and unavoidable impacts to transportation and circulation, air quality, and cumulative noise and vibration. Therefore, these items were analyzed and are discussed in more detail in the CPE Checklist.

The Western SoMa PEIR identified feasible mitigation measures to reduce significant impacts related to cultural and paleontological resources, transportation and circulation, noise and vibration, air quality, wind, biological resources, and hazards and hazardous materials. **Table 1** below lists the mitigation measures identified in the Western SoMa PEIR and states whether each measure would apply to the proposed project.

Table 1 – Western SoMa PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
D. Cultural and Paleontological Resources		
M-CP-1a: Documentation of a Historical Resource	Not Applicable: the project site/existing building is not a historic resource, is not adjacent to historic resources and is not located in a historic district.	
M-CP-1b: Oral Histories	Not Applicable: the site/existing building is not a historic resource, is not adjacent to historic resources and is not located in a historic district.	
M-CP-1c: Interpretive Program	Not Applicable: the site/existing building is not a historic resource, is not adjacent to historic resources and is not located in a historic district.	
M-CP-4a: Project-Specific Preliminary Archeological Assessment	Applicable: soil disturbing activities are proposed; Archeological Mitigation Measure III recommended.	Project Mitigation Measure 1 Project sponsor will retain an archeological consultant, submit an Archeological Testing Plan (ATP) for review, implement the ATP prior to soil disturbance, and as needed implement an Archeological Monitoring Program (AMP) with all soil-disturbing activities. Project sponsor and archeologist would notify and mitigate the finding of any archeological resource in coordination with the Environmental Review Officer (ERO).
M-CP-4b: Procedures for Accidental Discovery of Archeological Resources	Applicable: soil disturbing activities are proposed.	Project Mitigation Measure 2 Project sponsor shall distribute an archeological resource ALERT sheet to any firms involved in soil disturbance

Mitigation Measure	Applicability	Compliance
		activity, including immediate notification to the City/ERO of any findings.
M-CP-7a: Protect Historical Resources from Adjacent Construction Activities	Not Applicable: no adjacent historic resources present.	
M-CP-7b: Construction Monitoring Program for Historical Resources	Not Applicable: no adjacent historic resources present.	
E. Transportation and Circulation		
M-TR-1c: Traffic Signal Optimization (8 th /Harrison/I-80 WB off-ramp)	Not Applicable: Plan level mitigation to be implemented by SFMTA.	
M-TR-4: Provision of New Loading Spaces on Folsom Street	Not Applicable: the project would not remove loading spaces along Folsom Street.	
M-C-TR-2: Impose Development Impact Fees to Offset Transit Impacts	Not Applicable: the transit ridership generated by project would not considerably contribute to impact.	
F. Noise and Vibration		
M-NO-1a: Interior Noise Levels for Residential Uses	Applicable: the project would site residential use along a noisy street.	Noise study and mitigation completed.
M-NO-1b: Siting of Noise-Sensitive Uses	Applicable: the project would site noise-sensitive use along noisy street.	Noise study and mitigation completed.
M-NO-1c: Siting of Noise-Generating Uses	Not Applicable: the project is not proposing a noise-generating use.	
M-NO-1d: Open Space in Noisy Environments	Applicable: the project includes open space located in a noisy environment.	Noise study and mitigation completed.
M-NO-2a: General Construction Noise Control Measures	Applicable: the project includes construction in a noisy environment.	Project Mitigation Measure 3. Project contractors shall utilized best available noise control techniques and equipment, manage stationary noise sources to reduce noise levels at nearby sensitive receptors as much as possible,

Mitigation Measure	Applicability	Compliance
		manage and reduce the amount of noise generated from construction equipment and methods, consider hours and methods of construction, and track and respond to any complaints related to construction noise.
M-NO-2b: Noise Control Measures During Pile Driving	Not Applicable: the project would not include pile-driving activities. Piles, if deep foundation utilized, will be installed using torque-down method.	
G. Air Quality		
M-AQ-2: Transportation Demand Management Strategies for Future Development Projects	Not Applicable: the project would not generate more than 3,500 daily vehicle trips.	Although not applicable, the project includes Project Improvement Measure 1, which recommends the development of a TDM Plan.
M-AQ-3: Reduction in Exposure to Toxic Air Contaminants for New Sensitive Receptors	Not Applicable: superseded by Health Code Article 38.	
M-AQ-4: Siting of Uses that Emit PM _{2.5} or other DPM and Other TACs	Not Applicable: the project would not site uses that emit TACs.	
M-AQ-6: Construction Emissions Minimization Plan for Criteria Air Pollutants	Not applicable: the project would not exceed screening levels.	
M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards	Applicable: the project includes construction in an area of poor air quality.	Project Mitigation Measure 4 establishes the requirement of a construction emissions minimization plan prior to the start of construction to reduce construction criteria air pollutant emissions.
I. Wind and Shadow		
M-WS-1: Screening-Level Wind Analysis and Wind Testing	Not Applicable: the project would not exceed 80 feet in height.	

Mitigation Measure	Applicability	Compliance
L. Biological Resources		
M-BI-1a: Pre-Construction Special-Status Bird Surveys	Applicable: the project includes building demolition.	Project Mitigation Measure 5 Prior to building demolition, bird surveys shall be conducted by a qualified biologist. Measures for protection shall be taken as needed and indicated in the mitigation measure.
M-BI-1b: Pre-Construction Special-Status Bat Surveys	Not Applicable: The existing 24-foot-tall commercial building is currently or recently occupied.	
O. Hazards and Hazardous Materials		
M-HZ-2: Hazardous Building Materials Abatement	Applicable: the project includes demolition of a pre-1970s building.	Project Mitigation Measure 6 Project sponsor shall properly dispose of any equipment containing PCBs or mercury or other hazardous materials identified according to applicable federal, state and local laws.
M-HZ-3: Site Assessment and Corrective Action	Not Applicable: superseded by Health Code Article 22A (Maher Ordinance)	Project is required to comply with Article 22A (Maher Ordinance).
Improvement Measure		
Applicability		
I-TR-1: Transportation Demand Management Strategies for Future Development	Not Applicable (based on project trip generation), but sponsor has agreed to implement Project Improvement Measure 1.	
I-BI-2: Night Light Minimization	Applicable: the project would include night lighting of a mixed-use building.	Project Improvement Measure 7.

As analyzed and discussed in the CPE Checklist, the following mitigation measures identified in the PEIR do not apply to the proposed project: M-CP-1a, M-CP-1b, M-CP-1c, M-CP-7a, M-CP-7b, M-TR-1c, M-TR-4, M-C-TR-2, M-NO-1c, M-NO-2b, M-AQ-2, M-AQ-3, M-AQ-4, M-AQ-6, M-WS-1, M-BI-1b and M-HZ-3.

As discussed in the CPE Checklist, Western SoMa PEIR Mitigation Measures M-CP-4a and M-CP-4b were determined to apply to the proposed project as the project would involve soil disturbing activities and the

potential to uncover archeological resources. Mitigation Measures M-NO-1a, M-NO-1b, M-NO-1d and M-NO-2a were determined to apply to the proposed project as the project would include construction, siting of open space, and siting of noise-sensitive residential uses in a noisy environment. Mitigation Measure M-AQ-7 was determined to apply to the proposed project as the project would include construction in an area of poor air quality. Mitigation Measures M-BI-1a was determined to apply to the proposed project as the project would demolish an existing building. Mitigation Measure M-HZ-2 was determined to apply to the proposed project as the project would include demolition of a building constructed before 1970. Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures.

With implementation of these mitigation measures the proposed project would not result in significant impacts beyond those analyzed in the Western SoMa PEIR.

In addition to the Mitigation Measures identified in Table 1, above, the Western SoMa also identified improvement measures for impacts found to be less than significant. Improvement measures from the Western SoMa PEIR applicable to the proposed project include Transportation Demand Management Strategies (I-TR-1 from the Western SoMa PEIR) and night lighting minimization (I-BI-2 from the Western SoMa PEIR). Other project-specific improvement measures were also identified for the project to improve project loading, pedestrian, bicycle, and construction conditions.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on July 22, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review, as appropriate, for CEQA analysis. Comments were received from several community members and nearby business owners expressing concerns related to the proposed residential use (the SRO units, residential use on the ground floor and residential use on the project site near a community bar and Dore Alley). Neighbors also expressed concerns over the proposed small unit size, high residential density, height and massing of the building (and effects on light and air), lack of project parking, and the limited amount of proposed open space. These concerns will be addressed as part of the Planning Code review of the project and are addressed in the land use section of the CPE checklist. Neighbors also expressed concerns regarding project construction activity and related noise and vibration and these concerns are addressed in the Noise section of the CPE Checklist. Concerns related to the integrity of adjacent buildings during construction are addressed in the Geological section of the CPE checklist.

These comments and concerns and related CEQA topics were considered as part of this analysis and were found to not result in significant impacts beyond those analyzed in the Western SoMa PEIR.

Concerns related to the provision of parking are addressed in the Transportation and Circulation section of the CPE Checklist, for informational purposes. Commenters also expressed concerns about the external appearance of the building on this corner and the contextual appearance of the building in this neighborhood. Consistent with exceptions allowed under CEQA analysis, specifically parking and aesthetic effects are not considered in evaluating this project's potential for significant impacts; this is further discussed in the Aesthetics and Parking Impacts section of the CPE Checklist.

The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Western SoMa PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁷:

1. The proposed project is consistent with the development density established for the project site in the Western SoMa Community Plan;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Western SoMa PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Western SoMa PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Western SoMa PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Western SoMa PEIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

⁷ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1281E.