



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Community Plan Evaluation

Case No.: 2015-016032  
 Project Address: 2610 Mission Street  
 Zoning: Mission Street NCT (Neighborhood Commercial Transit) Use District  
 65-B Height and Bulk District  
 Block/Lot: 3636/002  
 Lot Size: 5,000 square feet  
 Plan Area: Eastern Neighborhoods Area Plan  
 Project Sponsor: Warner Schmalz, Forum Design 415-252-7063  
 Staff Contact: Justin Horner, [Justin.horner@sfgov.org](mailto:Justin.horner@sfgov.org), 415-575-9023

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### PROJECT DESCRIPTION

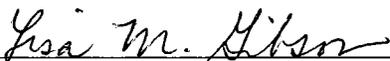
The project site is an approximately 5,000-square-foot lot located on the block bounded by Mission Street to the east, 22<sup>nd</sup> Street to the north, Bartlett Street to the west and 23<sup>rd</sup> Street to the south. The project site is entirely occupied by a one-story-with-basement 25-foot-tall commercial building constructed in 1922. The proposed project involves the renovation of the existing structure and the construction of a four-story 34-foot-tall vertical extension. The proposed project would be 59 feet tall and would include 8 residential units and approximately 8,000 square feet of retail on the basement and ground floors. The proposed building would include 17 Class 1 bicycle spaces, two Class 2 bicycle spaces, and no off-street vehicle parking spaces. The proposed project would include the planting of two new street trees on Mission Street. Pedestrian and bicycle access would be from Mission Street. The proposed project would involve no excavation. Construction would last approximately 12 months.

### CEQA DETERMINATION

The project is eligible for streamlined environmental review 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.

  
 Lisa M. Gibson  
 Acting Environmental Review Officer

4/11/17  
 Date

cc: Warner Schmalz, Project Sponsor; Supervisor Ronen, District 9; Linda Ajello-Hoagland, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT APPROVAL

The proposed project would require the following approvals:

- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)

The issuance of the Building Permit is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## COMMUNITY PLAN EVALUATION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that 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, shall not be subject to additional environmental review 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.

This determination evaluates the potential project-specific environmental effects of the 2610 Mission Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</sup>. 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 Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>2,3</sup>

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<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>2</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>3</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR. The Eastern Neighborhoods PEIR estimated that implementation of the Eastern Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025). The Eastern Neighborhoods PEIR projected that this level of development would result in a total population increase of approximately 23,900 to 33,000 people throughout the lifetime of the plan.<sup>4</sup>

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to Mission Street NCT (Neighborhood Commercial Transit) District. The Mission Street NCT District is intended to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Initial Study-Community Plan Evaluation (CPE), under Land Use. The 2610 Mission Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site allowing buildings to reach 65 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans 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 2610 Mission Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 2610 Mission Street project, and identified mitigation measures applicable to the 2610 Mission Street project. The proposed project is also consistent with the zoning controls and the

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<sup>4</sup> Table 2 Forecast Growth by Rezoning Option Chapter IV of the Eastern Neighborhoods Draft EIR shows projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning.

provisions of the Planning Code applicable to the project site.<sup>5,6</sup> Therefore, no further CEQA evaluation for the 2610 Mission Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on a block bounded by Mission Street to the east, 22<sup>nd</sup> Street to the north, Bartlett Street to the west and 23<sup>rd</sup> Street to the south. The project area along Mission Street is characterized primarily by commercial land uses in one- to two-story buildings ranging from 27-foot to 34-foot tall on the east side of Mission Street, with approximately 36-foot-tall, two- to three-story residential over commercial buildings on the west side. On the corner of 22<sup>nd</sup> Street and Mission is an approximately 130-foot, 10-story commercial building. Buildings immediately adjacent to the project site include a 32-foot-tall, two-story commercial building to the north, a 34-foot-tall, two-story commercial building to the south, and a 24-foot-tall, one-story commercial building to the rear. Parcels surrounding the project site are within Mission Street NCT (Neighborhood Commercial Transit), and RTO-M (Residential Transit Oriented-House, Mission) Districts, and are within 65-B, 55-X and 45-X Height and Bulk districts. There is a proposed five-story, 16-unit mixed-use residential project at the vacant lot at 2632 Mission Street that is currently undergoing environmental review.<sup>7</sup>

The closest Bay Area Rapid Transit District (BART) stop is at 24th and Mission Streets, approximately 0.2 miles south of the site. The project site is within a quarter mile of several local transit lines, including Muni lines 12-Folsom/Pacific, 14-Mission, 14R-Mission Rapid, 48-Quintara/24<sup>th</sup> Street, 49-Van Ness/Mission and 67-Bernal Heights.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 2610 Mission Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 2610 Mission Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow.

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<sup>5</sup> Joshua Switzky, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2610 Mission Street, February 2, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2015-16032ENV.

<sup>6</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2610 Mission Street, September 28, 2016.

<sup>7</sup> 2632 Mission Street. Case #2016-004707ENV

The proposed project would not include displacement of an existing PDR use and would therefore not contribute to the significant and unavoidable land use impact. Additionally, as discussed in the CPE, the proposed project would not impact a CEQA historical resource, and would therefore not contribute to the significant and unavoidable historic architectural resources impact; the proposed project would not generate cumulatively considerable new transit trips, and would therefore not contribute to the significant and unavoidable transportation impacts; and, as the shadow analysis contained in the CPE describes, the proposed project would not cast new shadow that would negatively affect the use and enjoyment of a recreational resources, and would therefore not contribute to the significant and unavoidable shadow impacts described in the Eastern Neighborhoods PEIR. .

The Eastern Neighborhoods PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historical resources, hazardous materials, and transportation. **Table 1** below lists the mitigation measures identified in the Eastern Neighborhoods PEIR and states whether each measure would apply to the proposed project.

**Table 1 – Eastern Neighborhoods PEIR Mitigation Measures**

Mitigation Measure	Applicability	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Not Applicable (N/A): pile driving not proposed	N/A
F-2: Construction Noise	Not Applicable: no particularly noisy construction methods would be anticipated during the project’s construction phase.	N/A
F-3: Interior Noise Levels	Not Applicable: CEQA no longer requires the consideration of the effects of the existing environment on a proposed project’s future users or residents where that project would not exacerbate existing noise levels.	N/A
F-4: Siting of Noise-Sensitive Uses	Not Applicable: CEQA generally no longer requires the consideration of the effects of the existing environment on a proposed project’s future users or residents where that project would not exacerbate existing noise levels.	N/A
F-5: Siting of Noise-Generating Uses	Not Applicable: the project does not include any noise-	N/A

Mitigation Measure	Applicability	Compliance
	generating uses.	
F-6: Open Space in Noisy Environments	Not Applicable: CEQA generally no longer requires the consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels.	N/A
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not Applicable: these requirements have been superseded by the San Francisco Dust Control Ordinance.	If visible dust is generated by the proposed project, it would be required to comply with the San Francisco Dust Control Ordinance.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by applicable Article 38 requirements.	N/A
G-3: Siting of Uses that Emit Diesel Particulate Matter (DPM)	Not Applicable: the proposed residential and retail uses are not expected to emit substantial levels of DPMs.	N/A
G-4: Siting of Uses that Emit other Toxic Air Contaminants (TACs)	Not Applicable: proposed project would not include a backup diesel generator or other use that emits TACs.	N/A
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: no archeological research design and treatment plan on file for this site.	N/A
J-2: Properties with no Previous Studies	Not Applicable: project does not include any excavation	N/A
J-3: Mission Dolores Archeological District	Not Applicable: project does not include any excavation and is not located in Mission Dolores Archeological District.	N/A
<b>K. Historical Resources</b>		

Mitigation Measure	Applicability	Compliance
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department.	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission.	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission.	N/A
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Applicable: project includes alteration of an existing structure.	Project Mitigation Measure 1 (Hazardous Building Materials) has been agreed to by the project sponsor.
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by San Francisco Municipal Transportation Agency (SFMTA).	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA.	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA.	N/A

Mitigation Measure	Applicability	Compliance
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA.	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA.	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA.	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA, and in compliance with a portion of this mitigation measure, the City adopted a comprehensive Transportation Demand Management Program for most new development citywide.	N/A

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 Eastern Neighborhoods PEIR.

**PUBLIC NOTICE AND COMMENT**

A “Notification of Project Receiving Environmental Review” was mailed on October 3, 2016 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 included concerns about shadow impacts, wind impacts, the effect of the proposed project on area rents and property values, the height of the proposed project and its relationship to the surrounding neighborhood, Greenhouse Gas (GHG) impacts, traffic impacts and the impact of the project on the Calle 24 Latino Cultural District, as well as the overall suitability of the Eastern Neighborhoods PEIR and its use under CEQA as a document to support a Community Plan Evaluation level of review for the proposed project.

As detailed in the CPE Checklist, the proposed project would not result in significant adverse environmental impacts associated with shadow, wind, land use, GHGs or transportation beyond those identified in the Eastern Neighborhoods PEIR.

CEQA generally does not require the analysis of social or economic impacts. While there could potentially be an impact to property values or rents in the area, such an occurrence would be a socioeconomic impact, which is beyond the scope of CEQA. As stated in CEQA Guidelines Section 15131(a), “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on

the physical changes." In general, analysis of the potential adverse physical impacts resulting from economic activities has been concerned with the question of whether an economic change would lead to physical deterioration in a community. The construction of 2610 Mission Street would not create an economic change that would lead to the physical deterioration of the surrounding neighborhood.

One comment asserted that a CPE would not be appropriate for the proposed project because substantial changes have occurred with respect to the circumstances under which the Eastern Neighborhoods Area Plans were approved due to the involvement of new significant environmental effects and a substantial increase in the severity of previously identified significant effects in the Eastern Neighborhoods PEIR. To summarize, the commenter claimed that the current pace of development is faster than that projected in the Eastern Neighborhoods PEIR, that there are more market rate units, that recent new residents have increased the rate of car ownership in the Mission, that former residents displaced from the Mission subsequent to the certification of the PEIR now travel longer distances by automobile, and that there are environmental impacts to cultural resources due to the project's impact on the Calle 24 Latino Cultural District.

On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors. CEQA Guidelines Section 15162(c) establishes that once a project, in this case the Eastern Neighborhoods Rezoning and Area Plans, is approved:

"[T]he lead agency's role in that approval is completed unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval." [Emphasis added.]

That is, unless and until the Eastern Neighborhoods Rezoning and Area Plans themselves are amended or revised, the reopening of the Eastern Neighborhoods PEIR is neither warranted nor required under CEQA. Impacts to the environment that might result with implementation of the Project were analyzed in the CPE Checklist according to the project's potential impacts upon the specific setting for each environmental topic, clearly stated significance criteria, and substantial evidence in the form of topic-specific analyses. Consistent with CEQA Guidelines Section 15130, the CPE Checklist also includes analysis of the proposed project's potential cumulative impacts for each environmental topic. The CPE Checklist prepared for the project evaluates its potential project-specific environmental effects based on existing conditions and incorporates by reference information contained in the Eastern Neighborhoods PEIR. Project-specific studies related to historical resources, transportation, noise, and wind were prepared for the Project to determine if it would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

The CPE Checklist determined that the proposed project would not have a significant impact that was not previously identified in the Eastern Neighborhoods PEIR for all CEQA Guidelines Appendix G environmental topics. The commenter has not provided any evidence that the proposed project would result in new significant environmental effects, or effects of greater severity, beyond those disclosed in the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>8</sup>:

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<sup>8</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2015-16032ENV.

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
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 Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods 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 Eastern Neighborhoods 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 Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Therefore, no further environmental review shall be required for the proposed project pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

**EXHIBIT 1:  
 MITIGATION MONITORING AND REPORTING PROGRAM  
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>L. Hazardous Materials</b>  <i>Mitigation Measure L-1—Hazardous Building Materials</i>            The project sponsor shall ensure that any equipment containing polychlorinated biphenyl (PCBs) or Di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	<p>Project Sponsor</p>	<p>Prior to the start of renovation/construction activities.</p>	<p>Planning Department, in consultation with DPH.</p>	<p>Considered complete upon submittal to Planning confirming compliance with this measure.</p>