



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.1404E
 Project Address: 1298 Valencia Street
 Zoning: NCT (Valencia Street Neighborhood Commercial Transit)
 Mission Alcohol Beverage Special Use Subdistrict
 Fringe Financial Service Restricted Use District
 55-X Height and Bulk District
 Block/Lot: 3644/021
 Lot Size: 9,630 square feet (0.18 acres)
 Plan Area: Eastern Neighborhoods Area Plan (Mission)
 Project Sponsor: Ian Birchall/Ian Birchall + Associates – (415) 512-9660
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PROJECT DESCRIPTION

The project involves demolition of an approximately 2,000-square-foot (sf), one-story gas, service and repair station built in 1956 and construction of a six-story, 55-foot-high (70-foot-high including elevator penthouse) mixed-use residential building with an off-street parking garage (accessed via an approximately 11-foot-long curb cut on Poplar Street). The 42,445-gross-square-feet (gsf) building would consist of 35 dwelling units (one studio, 20 one-bedroom and 14 two- bedroom), approximately 3,500 sf of

(Continued on next page.)

EXEMPT STATUS

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

REMARKS:

(See next page.)

DETERMINATION:

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


 SARAH B. JONES

Environmental Review Officer

October 9, 2015
 Date

cc: Ian Birchall, Project Sponsor; Supervisor Jane Kim, District 6; Doug Vu, Current Planning Division;
 Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

common open space (1,310 sf on a rooftop deck and 2,190 sf on a second floor rear deck), about 770 sf of private open space split between four of the dwelling units on the sixth floor, and approximately 3,770 sf of ground-floor retail space. A 3,265-sf below-grade garage would provide nine parking spaces (six in three stackable mechanical units) and 37 bicycle spaces for residents. An additional six bicycle spaces would be available for retail customers and employees (two on Valencia Street and four adjacent to and within the retail space). A sidewalk would be placed along the Poplar Street frontage with landscaping and eight trees (three on 24th Street and five on Valencia Street) planted along Valencia and 24th Streets. Construction of the proposed building would involve soil disturbance over the entire project site and approximately eight to ten feet of below-grade excavation for the foundation.

PROJECT APPROVAL

The proposed project would require the following approvals:

Actions by the Planning Commission

- Large Project Authorization pursuant to Planning Code Section 329 for new construction of more than 25,000 gsf.
- Conditional Use Authorization pursuant to Planning Code Section 121.2 (non-residential uses exceeding 3,000 square feet) and Planning Code Section 228 (conversion of an automotive service station).

Actions by Other City Departments

- Demolition and Building Permits (Department of Building Inspection) for the demolition of the existing buildings and construction of the new structure.
- Demolition and Building Permits (Department of Building Inspection) for the demolition of the existing gas station and construction of the proposed project.
- Site Mitigation Plan (Department of Public Health) for treatment of potentially hazardous soils and groundwater.
- Street and Sidewalk Permits (Bureau of Streets and Mapping, Department of Public Works) for modifications to public sidewalks, street trees, and curb cuts.
- Stormwater Control Plan (San Francisco Public Utilities Commission), ground disturbance of an area greater than 5,000 square feet.

The Large Project Authorization approval by the Planning Commission 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.

This determination evaluates the potential project-specific environmental effects of the 1298 Valencia Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)¹. 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 Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 1298 Valencia Street.

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.^{2,3}

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

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

² San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), 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.

³ 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.

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).

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 a NCT (Valencia Street Neighborhood Commercial Transit) District, which promotes moderate-scale buildings, mixed-use housing, and a flexible mix of smaller neighborhood-serving retail and commercial uses that can take advantage of major transit investments in the Mission District area. New neighborhood-serving commercial development is encouraged mainly at the ground story. Most (although not all) PDR uses are not allowed in the Valencia Street Neighborhood Commercial Transit District. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 1298 Valencia Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 55 feet in height. Pursuant to Planning Code Section 726.10, the height limit for the project site is nominally 50 feet, with five additional feet allowed for ground-floor active uses. Therefore, this determination is for a 55-foot-tall, six-story building (with a maximum height of 70 feet to accommodate an elevator penthouse).

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 1298 Valencia Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 1298 Valencia Street project, and identified the mitigation measures applicable to the 1298 Valencia Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{4,5} Therefore, no further CEQA evaluation for the 1298 Valencia Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The existing structures include the one-story building containing a retail area, restroom, a three-bay auto repair shop with three below ground hydraulic hoists, two floor drains and various tools and other pieces of equipment. Outside are pump islands with four pumps, their canopy, two 12,000-gallon underground storage tanks (USTs) for fuel, and a 500-gallon waste oil UST.

⁴ Varat, Adam, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 1298 Valencia Street, December 24, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

⁵ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 1298 Valencia Street, August 5, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

The project site, an almost square 9,630-sf lot on the northwest corner of 24th and Valencia Streets that gently slopes downward towards the northeast, is two and one-half blocks north of Cesar Chavez Street and a further 0.8 miles west of on-ramps to State Highway 101. The fully developed project block, bounded by Valencia Street on the east, 24th Street on the south, San Jose Avenue on the west, and 23rd Street on the north, is largely characterized by two to five-story residential buildings of varying ages, along with scattered warehouse, commercial and retail structures of varying ages and architectural design. To the immediate north is a one-floor commercial building and to the west (across the 180-foot-long, 18-foot-wide Poplar Street cul-de-sac) are two five-floor apartment buildings. On the southeast and southwest corners of 24th and Valencia streets are a church of contemporary design and a four story apartment building with ground-floor retail, respectively. To the east, across Valencia Street and on the northeast corner of Valencia and 24th streets, is a two-story mixed-use building with retail on the ground floor and residential units on the second floor. Immediately north of this mixed-use building (and across Valencia Street from the project site) is a two-story residential building. The remainder of the east side of Valencia Street between 23rd and 24th Streets is occupied by Horace Mann Junior High School.

The Valencia Street District provides a limited selection of convenience goods for surrounding residents and also serves a wider trade area with retail and wholesale home furnishings and appliance outlets and several automobile-related businesses. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. The NCT zoning district encourages transit-supportive housing development in new buildings above the ground story.

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 project. The proposed 1298 Valencia 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. Thus, the project analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 1298 Valencia 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 for the following Eastern Neighborhoods PEIR topics: land use, historic architectural resources, transportation and circulation, and shadow. As a result of the adoption of the Plan, the project site and immediate area were rezoned to Valencia NCT and a mix of uses including residential use was anticipated. Land use impacts were related to the cumulative loss of existing PDR (Production, Distribution, and Repair) space due to the implementation of the Eastern Neighborhoods Area Plan. Prior to adoption of the Plan, the project site was zoned Neighborhood Commercial District (NCD) and it was not included as part of the PDR land supply whose loss was considered a significant cumulative impact in the Eastern Neighborhoods PEIR. Therefore, the proposed conversion of the automotive service station to a mixed residential/commercial land use would not contribute to the significant and unavoidable cumulative land use impact identified in the Eastern Neighborhoods PEIR. The proposed project would not result in demolition, alteration, or modification of any historic resources and, therefore, would not contribute to any historic resource impact. Traffic and

transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. Although the proposed project would reach approximately 55 feet in height, the project would not cast shadow on any parks or open spaces.

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
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed	N/A
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment; included as Mitigation Measure 2.	Mitigation Measure 2 requires the project sponsor to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Not Applicable: proposed residential use is subject to Title 24; proposed retail is not a sensitive use.	N/A
F-4: Siting of Noise-Sensitive Uses	Applicable: noise evaluation demonstrates that Title 24 standards can be met. ⁶	Requirements satisfied by Project Sponsor with preparation of a Noise Study demonstrating that Title 24 standards could be met. ⁷
F-5: Siting of Noise-Generating Uses	Not Applicable: proposed project would not involve a noise-generating use.	N/A
F-6: Open Space in Noisy Environments	Applicable: required compliance with F-6 included as Mitigation Measure 3.	Mitigation Measure 3 requires Project Sponsor to develop site-specific measures to attenuate noise in the area of the Project's open space.

⁶ Walsh, Norris & Associates, Inc. *Exterior Noise Evaluation 1298 Valencia Street, San Francisco, CA*. April 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

⁷ Walsh, Norris & Associates, Inc. *Exterior Noise Evaluation 1298 Valencia Street, San Francisco, CA*. April 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

Mitigation Measure	Applicability	Compliance
G. Air Quality		
G-1: Construction Air Quality	Not Applicable: Mitigation Measure G-1 has been superseded by the Construction Dust Control Ordinance (Health Code Article 22B). The portion of G-1 relating to diesel PM is not applicable as the project site is not within an identified Air Pollutant Exposure Zone.	Compliance with the portion of G-1 relating to construction dust will occur with compliance with the Construction Dust Control Ordinance.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: project site is not located within an identified Air Pollutant Exposure Zone.	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed project would not include uses that emit diesel PM.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: the proposed project would not include commercial, industrial or other uses that would generate toxic air contaminants.	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: no archeological research design and treatment plan is on file for the project site.	N/A
J-2: Properties with no Previous Studies	Applicable: project site is located in an area with no previous archeological studies.	The Planning Department Preliminary Archeological Report requires the project contractor(s) to be on alert for archeological resources throughout the construction period. Included as Mitigation Measure 1 (Accidental Discovery). ⁸
J-3: Mission Dolores Archeological	Not Applicable: the project site	N/A

⁸ Randall Dean, San Francisco Planning Department. Environmental Planning Preliminary Archeological Review: 1298 Valencia Street. January 15, 2015. This report is available for review as part of Case No. 2013.1404E.

Mitigation Measure	Applicability	Compliance
District	is not within the Mission Dolores Archeological District.	
K. Historical Resources		
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
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: project involves the partial demolition of a building with potentially hazardous materials; included as Mitigation Measure 4).	Project Mitigation Measure 4 requires removal and disposal of any equipment containing PCBs or DEHP according to applicable federal, state, and local laws prior to the start of demolition.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA	N/A
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA	N/A
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA	N/A
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	N/A

Mitigation Measure	Applicability	Compliance
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
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	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 PEIR.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on February 10, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. The comment period was from February 10 to February 24; five emails and two phone calls were received. 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 received expressed concerns regarding the structure's scale in relation to neighboring buildings (an aesthetic impact), additional traffic, inadequate parking for future residents, construction and garbage collection noise during construction and after completion, and blocking of natural light (for a neighboring building). Public Resources Code Section 21099(d) states that "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." In addition, and pursuant to Planning Code Section 151.1, projects located in the NCT zoning district are not required to provide any off-street parking spaces. As discussed in CPE Checklist Section 5, potential impacts related to construction noise would be reduced to a less than significant impact with implementation of Mitigation Measure 2 (Eastern Neighborhoods PEIR Mitigation Measure F-2), which requires a variety of noise control strategies to reduce local disturbance during construction of the project. Noise due to garbage collection from the project once occupied would be considered consistent with such noise in an urban environment such as San Francisco and not an impact. Additionally, noise from garbage collection is specifically subject to Section 2904 of the City's Article 29 Noise Ordinance. Finally, shadowing of adjacent properties is discussed in the CPE Checklist Section 8. The proposed project would not cast a shadow on any public or private park or school but would, at certain times of the day and year, cast shadows on nearby properties. As noted in the CPE Checklist, although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁹:

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

⁹ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1404E.