



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.: **2007.0604E**
Project Title: **1145 Mission Street**
Zoning/Plan Area: Mixed Use – Office (MUO)
65-X Height/Bulk District
Western SoMa Community Plan Area
Block/Lot: 3727/168
Lot Size: 6,750 square feet
Project Sponsor: Darren Lee, Landmark Lofts, LLC, (415) 271-0528
Staff Contact: Jeanie Poling, (415) 575-9072, Jeanie.poling@sfgov.org

PROJECT DESCRIPTION

The 1145 Mission Street project (proposed project) would construct a 65-foot-tall (75 feet tall including the 10-foot-tall mechanical penthouse), 30,674-square-foot (sf) mixed-use building containing 25 dwelling units (18,725 sf), 4,125 sf of ground-floor retail, and parking for 12 vehicles and 13 bicycles in one basement level 12 feet below grade. The project site is located at 1145 Mission Street on Assessor's Block 3721, Lot 168. The 6,750-sf site is located on the south side of Mission Street on the block bounded by Mission Street, Julia Street, Minna Street, and 7th Street in the Western South of Market (SoMa) neighborhood and is within the Mixed Use – Office (MUO) Zoning District and the 65-X Height and Bulk District. (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.

DETERMINATION

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

SARAH B. JONES
Environmental Review Officer

July 29, 2016
Date

cc: Darren Lee, Project Sponsor
Kimberly Durandet, Current Planner
Supervisor Jane Kim, District 6

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

PROJECT DESCRIPTION (continued)

The proposed residential units would comprise 15 one-bedroom and 10 two-bedroom units in the five floors above the ground-floor retail space (for a total of six stories in the building). The ground floor and basement level would cover the entire lot, while the second through sixth floors would be set back 22.5 feet from the rear property line, where a six-story live-work building is built out to the shared lot line of the adjacent property. Private decks would be included for 10 units, and approximately 1,350 sf of common open space would be provided on the rear of the second floor and on a rooftop courtyard. Provisions for street frontage tree planting would be carried out pursuant to San Francisco requirements.

The City is considering significant changes to the inclusionary affordable housing requirement as currently regulated by Planning Code Section 415 and the City Charter. The proposed project would not be affected by these proposed changes because its environmental evaluation application was received prior to January 1, 2013. The proposed project must comply with affordable housing requirements in effect on January 12, 2016. These requirements are to provide one of the following: on-site (12 percent or three units), off-site (20 percent or five units), or through an in-lieu fee (20 percent).

The project site is currently vacant; the western two-thirds (approximately 50 feet by 90 feet) of the site is excavated to a depth of approximately 14 feet below street grade, where, prior to 2006, the basement of a two-story brick commercial building constructed in 1907 existed. A previous project (Planning Case No. 2000.531E, Building Permit No. 200007145147) involved a vertical and horizontal expansion of the then-existing on-site building for the creation of live/work lofts; the project was approved in 2004 but was not constructed. In violation of the permit, the entire previously existing building was demolished in 2006.

Construction of the currently proposed project would occur over approximately 16 to 18 months. Construction equipment to be used would include backhoes, excavators, and construction cranes. In addition to the western portion of the project site that was previously excavated to 14 feet, the entire project site would be excavated to a depth of 16 feet to accommodate the foundation and the 12-foot-deep basement level. The total amount of excavation for the project would be approximately 1,300 cubic yards (cy) of soil.

The proposed project would include below-grade parking for 12 vehicles and 13 bicycles. The parking level would total approximately 6,380 sf, including storage areas. The garage would be accessed through a 10-foot-wide garage door separating the residential and retail entrances on Mission Street.

PROJECT APPROVAL

The proposed project would require the following approvals:

- **Large Project Authorization** (*Planning Commission*)
- **Building Permit** (*Department of Building Inspection*)

The proposed project is subject to Large Project Authorization from the Planning Commission, which 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 1145 Mission 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 Eight Street Project (Western SoMa Community Plan 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 Western SoMa PEIR.

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 1145 Mission Street site is located in the Western SoMa Community Plan Area. As a result of the Western SoMa rezoning process, the project site was rezoned to a 65-X Height and Bulk District, as well as a Mixed Use – Office (MUO) District. The MUO District is intended to encourage office uses and housing, as well as small-scale light industrial and arts activities. The proposed project is consistent with uses permitted within the MUO Districts.

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 1145 Mission 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 1145 Mission 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

¹ Planning Department Case Nos. 2008.0877E and 2007.1035E, State Clearinghouse No. 2009082031. Available: <<http://www.sf-planning.org/index.aspx?page=1893>>.

Planning Code applicable to the project site.^{2,3} Therefore, no further CEQA evaluation for the 1145 Mission 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

The project site is located in the South of Market District on the block bounded by Mission Street, Julia Street, Minna Street, and 7th Street. Surrounding properties on the south side of Mission Street are also zoned MUO, while properties along the north side of Mission Street within the same street block are zoned C-3-G (Downtown General Commercial). The project site and adjacent properties on the same side of the street are within a 65-X height and bulk district, while nearby properties across the street are in height and bulk districts ranging from 120-S to 240-S. Building heights in the project area range from about one to five stories south of Mission Street, and about one to 20-plus stories north of Mission Street.

The project site is generally surrounded by commercial, office, light industrial, residential, and government uses. Land uses adjacent to the site include an office for the San Francisco Fire Department to the east and a live/work building to the south. Across the street from the project site on Mission Street is the 18-story (above ground floor) Federal Building and three connected 23-story multi-family residential towers with approximately 20 stories over ground-floor retail. A number of vacant properties exist along the south side of Mission Street within the same block. Residential homes line the Minna Street and Natoma Street blocks between 7th Street and 8th Street. The U.S. Court of Appeals building is located at the northwest corner of Mission Street and 7th Street intersection, and the Pacific Gas and Electric (PG&E) Mission Substation is located at the southwest corner of the intersection Mission Street and 8th Street intersection.

The project vicinity is an area of transition. Development projects within three blocks of the project site include a 13-story mixed-use building with 195 residential units (1270 Mission Street), two six-story mixed-use building containing 44 residential units (230 7th Street), a six-story building containing 87 SRO studio units (262 7th St.), a six-story, mixed use building containing 23 residential units (282 7th Street), and an eight-story tourist and residential hotel (99 6th Street). Also nearby are many changes of use and tenant improvement projects, including a two-story auto garage to office use (1125 Mission Street). Two blocks to the east of the project site, near the intersection of Mission Street and 5th Street is the four-acre 5M project, which involves the construction of four new buildings ranging in height from 50 feet to 470 feet. Four blocks to the west of the project site, near the intersection of Mission Street and South Van Ness Avenue, is the "Hub," where proposed projects include a 39-story mixed-use building (1500 Mission Street), a 27-story mixed use building (30 Otis Street,), and six other eight- to 40-story buildings within the Mission Street, South Van Ness Avenue, and Market Street corridor.

² Adam Varat. 2014. San Francisco Planning Department. Community Plan Exemption Eligibility Determination, Citywide Planning Analysis. 1145 Mission Street. May 15. This document (and all other documents cited in this report, unless otherwise noted) is on file and available for review as part of Case File No. 2007.0604E.

³ Jeff Joslin, Director of Current Planning. 2015. Community Plan Exemption Eligibility Determination, Current Planning. September 1.

POTENTIAL ENVIRONMENTAL EFFECTS

The proposed 1145 Mission Street project is in conformance with the height, use and density for the site described in the Western SoMa PEIR and would represent a small part of the growth that was forecast for the Western SoMa Community Plan. Thus, the project analyzed in the Western SoMa PEIR considered the incremental impacts of the proposed 1145 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 Western SoMa PEIR.

Significant and unavoidable impacts were identified in the Western SoMa PEIR for the following topics: historic resources, transportation and circulation, noise, air quality, and shadow. The Western SoMa PEIR identified feasible mitigation measures to address 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** (page 6) 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: site is not a historic resource and is not located in a historic district	Not applicable
M-CP-1b: Oral Histories	Not applicable: site is not a historic resource and is not located in a historic district	Not applicable
M-CP-1c: Interpretive Program	Not applicable: site is not a historic resource and is not located in a historic district	Not applicable
M-CP-4a: Project-Specific Preliminary Archeological Assessment	Applicable: soil disturbing activities proposed	The project sponsor shall 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 shall 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	Not applicable: negated by implementation of M-CP-4a/ archeological testing	Not applicable
M-CP-7a: Protect Historical Resources from Adjacent Construction Activities	Applicable: adjacent historic resources present	The project sponsor shall incorporate into construction specifications a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings.

Mitigation Measure	Applicability	Compliance
M-CP-7b: Construction Monitoring Program for Historical Resources	Applicable: adjacent historic resources present	The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of historical resource(s) identified by the San Francisco Planning Department within 125 feet of planned construction to document and photograph the buildings' existing conditions.
E. Transportation and Circulation		
M-TR-1c: Traffic Signal Optimization (8 th /Harrison/I-80 WB off-ramp)	Not applicable: automobile delay removed from CEQA analysis	Not applicable
M-TR-4: Provision of New Loading Spaces on Folsom Street	Not applicable: project would not remove loading spaces along Folsom Street	Not applicable
M-C-TR-2: Impose Development Impact Fees to Offset Transit Impacts	Not applicable: transit ridership generated by project would not considerably contribute to impact	Not applicable
F. Noise and Vibration		
M-NO-1a: Interior Noise Levels for Residential Uses	Not applicable: impacts of the environment on the project no longer a CEQA topic	Not applicable
M-NO-1b: Siting of Noise-Sensitive Uses	Not applicable: impacts of the environment on the project no longer a CEQA topic	Not applicable
M-NO-1c: Siting of Noise-Generating Uses	Not applicable: project is not proposing a noise-generating use	Not applicable
M-NO-1d: Open Space in Noisy Environments	Not applicable: impacts of the environment on the project no longer a CEQA topic	Not applicable

Mitigation Measure	Applicability	Compliance
M-NO-2a: General Construction Noise Control Measures	Applicable: project includes construction activities	The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control techniques; locate stationary noise sources as far from adjacent or nearby sensitive receptors as possible; use hydraulically or electrically powered impact tools; and include noise control requirements to construction contractors. The project sponsor shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise.
M-NO-2b: Noise Control Measures During Pile Driving	Applicable: project could potentially include pile-driving activities	A set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. The project sponsor shall require the construction contractor to erect temporary plywood noise barriers along the project boundaries, implement “quiet” pile-driving technology, monitor the effectiveness of noise attenuation measures by taking noise measurements, and limit pile-driving activity to result in the least disturbance to neighboring uses.
G. Air Quality		
M-AQ-2: Transportation Demand Management Strategies for Future Development Projects	Not applicable: project would not generate more than 3,500 daily vehicle trips	Not applicable, but project could be subject to the Transportation Demand Management Ordinance, if effective at the time of project approval.
M-AQ-3: Reduction in Exposure to Toxic Air Contaminants for New Sensitive Receptors	Not applicable: superseded by Health Code Article 38	Not applicable
M-AQ-4: Siting of Uses that Emit PM _{2.5} or other DPM and Other TACs	Not applicable: project-related construction and operation would not introduce substantial emissions	Not applicable

Mitigation Measure	Applicability	Compliance
M-AQ-6: Construction Emissions Minimization Plan for Criteria Air Pollutants	Not applicable: project does not exceed the BAAQMD screening criteria	Not applicable
M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards	Applicable: project includes construction in an area of poor air quality	The project sponsor shall undertake a project-specific construction health risk analysis to be performed by a qualified air quality specialist, as appropriate and determined by the Environmental Planning Division of the San Francisco Planning Department, for diesel-powered and other applicable construction equipment, using the methodology recommended by the Bay Area Air Quality Management District (BAAQMD) and/or the San Francisco Planning Department.
I. Wind and Shadow		
M-WS-1: Screening-Level Wind Analysis and Wind Testing	Not applicable: project would not exceed 80 feet in height	Not applicable
L. Biological Resources		
M-BI-1a: Pre-Construction Special-Status Bird Surveys	Applicable: project includes removal of shrubs	Pre-construction special-status bird surveys shall be conducted by a qualified biologist between February 1 and August 15 if tree removal or building demolition is scheduled to take place during that period.
M-BI-1b: Pre-Construction Special-Status Bat Surveys	Not applicable: project does not include removal of buildings or other habitat for roosting bats	Not applicable
O. Hazards and Hazardous Materials		
M-HZ-2: Hazardous Building Materials Abatement	Not applicable: project does not include demolition of a pre-1970s building	Not applicable
M-HZ-3: Site Assessment and Corrective Action	Not applicable: superseded by Health Code Article 22A (Maher Ordinance)	Not applicable

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.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on May 11, 2015 to adjacent occupants and owners of properties within 300 feet of the project site and to community groups and other interested parties. 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. One comment was received asking for notification when the CPE is released. No other comments were received.

CONCLUSION

As summarized above and further discussed in the CPE Checklist:⁴

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.

⁴ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2007.0604E.