



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Case No.: 2013.1458E  
Project Address: 198 Valencia Street  
Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit) Use District  
50-X Height and Bulk District  
Block/Lot: 3502/108  
Lot Size: 9,000 square feet  
Plan Area: Market and Octavia Area Plan  
Project Sponsor: Victor Quan, Valencia Street, LLC – (415) 531-8311  
[Vquan.sf@gmail.com](mailto:Vquan.sf@gmail.com)  
Staff Contact: Lana Russell-Hurd – (415) 575-9047  
[Lana.Russell@sfgov.org](mailto:Lana.Russell@sfgov.org)

### PROJECT DESCRIPTION

The project site is located at the northern edge of the Mission neighborhood, adjacent to the South of Market and Western Addition neighborhoods. The proposed 198 Valencia Street project would demolish the existing one-story, 1,877 square foot oil change facility and surface parking lot built in 1994 and construct a five-story, 55 foot tall, 33,795 gross square foot mixed-use building on the project site. The proposed building would include an approximately 16 foot tall elevator penthouse above the proposed building's 55 foot-tall structural roof. The building height, as measured from the top of the curb to the top of the elevator penthouse would be 71 feet. The proposed project would involve excavation of up to 3,400 cubic yards of soil to a depth of 14 feet for a subterranean basement.

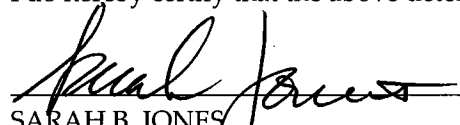
(Continued on next page.)

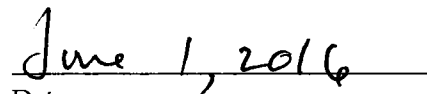
### EXEMPT STATUS

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

  
Date

cc: Victor Quan, Project Sponsor; Supervisor Scott Wiener, District 8; Jonathan Disalvo, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

The proposed 33,795 gross square foot mixed-use building would include 6,269 square feet of ground floor commercial space and a subterranean garage (accessed via a 11-foot curb cut on Duboce Avenue) and 28 residential units on the first through fourth-floor levels. The proposed project would accommodate 19 off-street parking spaces and 28 Class I bicycle parking spaces in the subterranean garage. Four Class II bicycle parking spaces are proposed on the sidewalk adjacent to the project site along Valencia Street and Duboce Avenue. The proposed project would provide about 2,590 square feet of common open space on the roof for the residential uses, and approximately 2,100 square feet of private open space via private terraces.

## PROJECT APPROVAL

The proposed 198 Valencia Street project would require the following approvals:

### Project Approvals

- **Department of Building Inspection (DBI).** Approval of site (building), demolition, grading permits for the demolition of the existing building and construction of the new building.
- **Department of Public Health (DPH).** Approval of a Site Mitigation Plan prior to the commencement of any excavation work.
- **San Francisco Municipal Transportation Agency (SFMTA).** Approval of the proposed curb modifications and parking garage operations plan.
- **Bureau of Street Use and Mapping, San Francisco Public Works (SFPW).** Street and sidewalk permits for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts.
- **San Francisco Public Utilities Commission (SFPUC).** Approval of any changes to sewer laterals. Approval of an erosion and sediment control plan prior to commencing construction, and compliance with post-construction stormwater design guidelines—including a stormwater control plan—required for projects that result in ground disturbance of an area greater than 5,000 square feet.

### Approval Action

The proposed project is subject to notification under Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the proposed project. If no discretionary review is requested, the issuance of the building permit by the Department of Building Inspection constitutes the Approval Action for the proposed 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 198 Valencia Street project described above, and incorporates by reference information contained in the Programmatic Environmental Impact Report for the Market and Octavia Area Plan (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 Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR for the Market and Octavia Area Plan by Motion 17406.<sup>2</sup> The certification of the PEIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The PEIR analyzed amendments to the Planning Code, Zoning Maps, and the San Francisco General Plan to implement the Market and Octavia Area Plan. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Area Plan.

Subsequent to the certification of the PEIR, on May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, amendments to the Planning Code, Zoning Maps, and General Plan. The legislation created several new zoning controls which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable “whole” neighborhoods meeting everyday needs.

As a result of the Market and Octavia rezoning process, the project site has been rezoned from NC-3 (Moderate Scale Neighborhood Commercial) District to NCT-3 (Moderate Scale Neighborhood Commercial Transit) District. The NCT-3 District is intended to promote transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The maximum allowable building height for the site is 50 feet, except with permitted exceptions such as the additional 5-foot height bonus that would be used (which is permitted when a project includes ground floor active uses per Planning Code Section 263.20) and permitted exception such as the allowance for elevator shafts to protrude 16 feet beyond the height limit (Planning Code Section 260(b)(1)(A)) and the allowance for stair penthouses to protrude 10 feet beyond the height limit (Planning Code Section 260(b)(1)(B)). Per Planning Code Sections 731.21 and 121.2, a non-residential use equal to, or exceeding, 6,000 square feet of floor area must seek Conditional Use Authorization. The project proposes two retail spaces, and each individual proposed retail space is less than 6,000 gross square feet. Nonresidential use size is defined by

---

<sup>1</sup> San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, April 5, 2007. Case No. 2003.0347E, State Clearinghouse No. 2004012118. Available at [www.sf-planning.org/index.aspx?page=1714](http://www.sf-planning.org/index.aspx?page=1714). This document also is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2003.0347E

<sup>2</sup> San Francisco Planning Department, *San Francisco Planning Commission Motion 17406*, April 5, 2007. Available at: <http://www.sf-planning.org/index.aspx?page=1714>.

Planning Code Section 790.130 as pertaining to each individual use. Though the cumulative total of both proposed retail spaces exceeds 6,000 gross square feet, Conditional Use Authorization is not required for the reason that each individual retail use, as proposed, is less than 6,000 gross square feet in size.

Individual projects that could occur in the future under the Market and Octavia Area 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 198 Valencia Street is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 198 Valencia Street project, and identified the mitigation measures applicable to the 198 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.<sup>34</sup> Therefore, no further CEQA evaluation for the 198 Valencia Street project is required. In sum, the Market and Octavia 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 at the northern edge of the Mission neighborhood, adjacent to the South of Market and Western Addition neighborhoods, and the project area is characterized by residential uses and neighborhood commercial uses, including restaurants, bars, cafés, and a variety of retail establishments.

The project site is located on a parcel (Assessor's Block 3502; Lot 108) bordered by commercial uses to the north on Valencia Street, mixed-use commercial and residential uses to the south on Valencia Street and to the east on Duboce Avenue and residential uses to the west on Duboce Avenue. The parcel totals 9,000 square feet in size (approximately 0.21 acres) and is located in a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District, within the Market and Octavia Plan Area.

The project site is currently occupied by a one-story, 1,877 square foot oil change facility and a surface parking lot with seven off-street parking spaces. The project would remove the two existing curb cuts on Valencia Street and would relocate the existing curb cut on Duboce Avenue.

Parcels surrounding the project site are within NCT-3 and RTO (Residential Transit Oriented) Zoning Districts and a mixture of 40-X, 50-X, and 85-X Height and Bulk Districts, providing a number of one to four-story mixed-use buildings. The project site is also one block from the San Francisco Friends School, which is a kindergarten through 8<sup>th</sup> grade school. The project site is near the junction of three of the city's roadway grid systems: the north of Market, south of Market, and Mission grids meet at Market Street. Major roadways in the project vicinity include Dolores Street, Guerrero Street, Duboce Avenue, Mission Street, South Van Ness Avenue, Octavia Boulevard, and Van Ness Avenue. U.S. Highway 101 provides regional access to the project vicinity. The closest Bay Area Rapid Transit District (BART) stop is at Mission and 16<sup>th</sup> Streets, approximately 0.5 mile south of the site; and the closest San Francisco Municipal

---

<sup>3</sup> San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis for 198 Valencia Street*, August 18, 2015. This document (and all other documents cited in this report, unless otherwise noted) is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2013.1458E

<sup>4</sup> San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis for 198 Valencia Street*, August 18, 2016.

Railway (Muni) Metro stop is at Van Ness Avenue and Market Street, approximately 0.4 miles northeast of the site. The project site is within a quarter mile of several local transit lines, including Muni Metro lines J, K, L, M, N, and T; streetcar line F, as well as Muni bus lines N Owl, 6, 14, 14L, 16X, 22, 33, 49, 71, and 71L.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archaeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 198 Valencia Street project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the Market and Octavia plan area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 198 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 Market and Octavia PEIR.

Significant and unavoidable impacts were identified in the Market and Octavia PEIR related to transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line), and shadow impacts on two open spaces (War Memorial and United Nations Plaza). The proposed project would not contribute to the significant unavoidable transportation impacts as traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Market and Octavia PEIR. Additionally, the proposed project would not contribute to the significant unavoidable shadow impacts because the project would not shade the War Memorial Open Space or United Nations Plaza. A preliminary shadow fan<sup>5</sup> and Shadow Analysis Report<sup>6</sup> indicates that the proposed project would not shade any public parks or open spaces under the control of the Recreation and Parks Department and would not substantially affect other parks and open spaces.

The Market and Octavia PEIR identified feasible mitigation measures to address significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Table 1 below lists the mitigation measures identified in the Market and Octavia PEIR and states whether each measure would apply to the proposed project.

**Table 1 – Market and Octavia PEIR Mitigation Measures**

Mitigation Measure	Applicability	Compliance
<b>A. Shadow</b>		
A1: Parks and Open Space not Subject to Section 295	Applicable: Project exceeds a height of 50 feet.	The project sponsor has submitted a detailed shadow analysis.

<sup>5</sup> San Francisco Planning Department, *Preliminary Shadow Fan*, January 6<sup>th</sup>, 2015.

<sup>6</sup> PreVision Design, *Shadow Analysis Report for the Proposed 198 Valencia Street Project*, June 10<sup>th</sup>, 2015.

Mitigation Measure	Applicability	Compliance
<b>B. Wind</b>		
B1: Buildings in Excess of 85 feet in Height	Not Applicable: Proposed building height is below 85 feet.	N/A
B2: All New Construction	Applicable: Proposed new construction.	The project sponsor has submitted a detailed wind analysis.
<b>C. Archaeological</b>		
C1: Soil Disturbing Activities in Archaeologically Documented Properties	Not Applicable: Project site is not an archaeologically documented property.	N/A
C2: General Soil Disturbing Activities	Applicable: Project would involve general soil disturbing activities.	Project underwent a preliminary archeological review and is subject to archeological testing (see Project Mitigation Measure 1).
C3: Soil Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: Project site would not include soil disturbing activities in the street or in open spaces.	N/A
C4: Soil Disturbing Activities in the Mission Dolores Archaeological District	Not Applicable: Project site is not located within the Mission Dolores Archaeological District.	N/A
<b>D. Transportation</b>		
D1: Traffic Mitigation Measure for Hayes and Gough Streets Intersection (LOS C to LOS F PM peak hour)	Not Applicable: Automobile delay removed from CEQA analysis.	N/A
D2: Traffic Mitigation Measure for Hayes and Franklin Streets Intersection (Los D to LOS F PM peak hour)	Not Applicable: Automobile delay removed from CEQA analysis.	N/A
D3: Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not Applicable: Automobile delay removed from CEQA analysis.	N/A
D4: Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets	Not Applicable: Automobile delay removed from CEQA	N/A

Mitigation Measure	Applicability	Compliance
Intersection (LOS E to LOS E with increased delay PM peak-hour)	analysis.	
D5: Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not Applicable: Automobile delay removed from CEQA analysis.	N/A
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not Applicable: Automobile delay removed from CEQA analysis.	N/A
D7: Traffic Mitigation Measure for Hayes Street/Van Ness Avenue Intersection (LOS F to LOS F with increased delay PM peak hour)	Not Applicable: Automobile delay removed from CEQA analysis.	N/A
D8. Transit Mitigation Measure for degradation to transit service as a result of increase in delays at Hayes Street intersections at Van Ness Avenue (LOS F to LOS F with increased delays); Franklin Street (LOS D to LOS F); and Gough Street (LOS C to LOS F) PM peak hour	Not Applicable: Automobile delay removed from CEQA analysis.	N/A
<b>E. Air Quality</b>		
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: Project would comply with the San Francisco Dust Control Ordinance	N/A
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: The project is located in an Air Pollutant Exposure Zone.	The project sponsor has agreed to develop and implement a Construction Emissions Minimization Plan for Health Risks and Hazards (see Project Mitigation Measure 2).
<b>F. Hazardous Materials</b>		
F1: Program or Project Level Mitigation Measures	Not Applicable: Project would comply with the San Francisco Dust Control Ordinance and Maher Ordinance.	N/A
<b>G. Geology, Soils, and Seismicity</b>		

Mitigation Measure	Applicability	Compliance
G1: Construction Related Soils Mitigation Measure	Not Applicable: Superseded by Public Works Code Sections 146 and 147.	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 Market and Octavia PEIR.

**PUBLIC NOTICE AND COMMENT**

A “Notification of Project Receiving Environmental Review” was mailed on November 21<sup>st</sup>, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. Comments received from the public addressed the following topics:

- Traffic and parking impacts of the proposed project.
- Shadow impacts of the proposed project.
- Geology impacts of the proposed project.
- Hazardous material impacts of the proposed project.
- Air quality impacts of the proposed project.
- Height and scale of the proposed project.
- Aesthetics, lighting, and overall design of the proposed project.

The issues raised in these comments were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis.

In addition, an adjacent property owner commented about liability for damage to private property. Since this concern does not relate to physical environmental effects, it is outside of the scope of CEQA and is not addressed in the environmental review for the project. Comments that relate to economic, financial, and legal concerns may be considered by City decision-makers during their deliberations on whether to approve, modify, or disapprove the proposed project.

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

**CONCLUSION**

As summarized above and further discussed in the CPE Checklist<sup>7</sup>:

1. The proposed project is consistent with the development density established for the project site in the Market and Octavia Area Plan;

---

<sup>7</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1458E.



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 Market and Octavia PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Market and Octavia 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 Market and Octavia 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 Market and Octavia 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.