



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2015-009928ENV
Project Address: 75 Arkansas Street
Zoning: UMU (Urban Mixed Use)
48-X Height and Bulk District
Block/Lot: 3952/001B
Lot Size: 21,997 square feet
Plan Area: Eastern Neighborhoods Area Plan, Showplace Square/Potrero Hill
Project Sponsor: Suzanne Brown, Equity Community Builders
Staff Contact: Justin Horner 415-575-9023 Justin.horner@sfgov.org

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PROJECT DESCRIPTION

The 21,997-square-foot (sf) project site is located on the northeast corner of intersection of Arkansas and 17th streets in the Potrero Hill neighborhood. The project site is occupied by a 17-foot-tall, 19,250 sf occupied warehouse building constructed in 1923. The proposed project includes the demolition of the existing industrial building and the construction of a four-story, 48-foot-tall (51 ½-foot-tall with parapets) mixed-use building with 30 units of student housing (228 total beds) for the California College of the Arts.

(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 19, 2016

Date

cc: Suzanne Brown, Project Sponsor; Supervisor Malia Cohen, District 10; Esmeralda Jardines, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed project would include 49,521 sf of residential uses on the upper three floors, and 7,437 sf of retail and 838 sf of support/utility space on the ground floor. The proposed project includes 80 Class I and 12 Class II bicycle parking spaces. No off-street vehicular parking would be provided. The proposed project would excavate to a depth of 2 feet below ground surface and result in a total of 1,955 cubic yards of excavation. Construction is estimated to last fourteen months.

PROJECT APPROVAL

The proposed project requires a Large Project Authorization (LPA), per Planning Code Section 329, which requires a hearing before the Planning Commission. Approval of the LPA 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 75 Arkansas 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 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

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

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 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.⁴

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 UMU (Urban Mixed Use) District. The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. 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 75 Arkansas Street site, which is located in the Showplace Square/Potrero Hill area of the Eastern Neighborhoods, was designated as a site with buildings up to 48 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

² 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.

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.

⁴ 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.

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 75 Arkansas 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 75 Arkansas Street project, and identified the mitigation measures applicable to the 75 Arkansas Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{5,6} Therefore, no further CEQA evaluation for the 75 Arkansas 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 project site is located on a block bounded by 17th Street to the south, Arkansas Street to the west, Connecticut Street to the east and 16th Street to the north. The project area is characterized by a mix of commercial, restaurant, retail, residential, PDR and auto-related uses in one-to-three-story buildings along 17th Street, with Jackson Square Park, a 4.4 acre public park, located across 17th Street to the south and west. Arkansas Street, south of the project site, is characterized by residential uses in two-to-three-story buildings, while north of the project site, Arkansas Street contains warehouse and commercial uses in one-to-two-story buildings with some surface parking lots. At the corner of 17th Street and Connecticut Street, within 300 feet of the project site, is the Connecticut Yankee, a Place of Entertainment under San Francisco Administrative Code Chapter 116 (Compatibility and Protection for Residential Uses and Places of Entertainment). Buildings immediately adjacent to the project site include a one-story warehouse and a single-family dwelling/office/warehouse building to the north. Parcels surrounding the project site are all within the UMU (Urban Mixed Use) zoning districts and a mixture of 48-X and 68-X Height and Bulk districts. Directly across Arkansas Street from the project site is 88 Arkansas Street, a two-story warehouse building that has received Planning Commission approval to be demolished and replaced with a five-story, 48-foot high (63-foot-tall with elevator and stair penthouses) mixed-use commercial-residential development.⁷

The project site is within a quarter mile of several local transit lines, including Muni Metro lines 10-Townsend, 14X-Mission Express, 19-Polk, 22-Fillmore, 36-Teresita, and 55-16th Street, as well as within 250 feet of San Francisco Bikeway Network routes along 16th Street, 7th Street and Mississippi Street.

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

⁵ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 75 Arkansas Street, March 18, 2016. 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. 2015-009928ENV.

⁶ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 75 Arkansas Street, Received: February 22, 2016.

⁷ San Francisco Planning Commission Meeting Minutes, Items 11a and 11b. March 3, 2016. Also see Planning Department Case File No. 2015-000453ENXSHD.

previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 75 Arkansas 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 75 Arkansas 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. The project would not contribute to any Significant and Unavoidable Impacts identified 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
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: 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 generally no longer requires the consideration of the effects of the existing environment on a proposed project's future users or residents.	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.	N/A
F-5: Siting of Noise-Generating Uses	Not Applicable: the project does not include any noise-generating uses.	N/A

Mitigation Measure	Applicability	Compliance
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	N/A
G. Air Quality		
G-1: Construction Air Quality	Applicable; project involves construction activity	Compliance with 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 DPM	Not Applicable: the proposed residential and commercial uses are not expected to emit substantial levels of DPMs.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: the proposed residential and commercial uses are not expected to emit substantial levels of other TACs.	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: no archeological research design and treatment plan on file	N/A
J-2: Properties with no Previous Studies	Applicable: project site has no archeological assessment on file	Preliminary Archeological Sensitivity Study completed; Determination of No Effect
J-3: Mission Dolores Archeological District	Not Applicable: project site not in Mission Delores Archeological District	N/A
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	Not Applicable: plan-level mitigation completed by Planning Commission	N/A

Mitigation Measure	Applicability	Compliance
Historic District (East SoMa)		
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 includes demolition of existing building	Project Mitigation Measure 1 (Hazardous Building Materials) agreed to by sponsor
E. Transportation		
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 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
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 Eastern Neighborhoods PEIR.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on January 12, 2016 to adjacent occupants and owners of properties within 300 feet of the project site. No public comments were received. The proposed project would not result in significant adverse environmental beyond those identified in the Eastern Neighborhoods PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁸:

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.

⁸ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2015-009928ENV.

MITIGATION MONITORING AND REPORTING PROGRAM

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Report Responsibility	Monitoring Schedule
HAZARDOUS MATERIALS					
<p><i>Project Mitigation Measure 1—Hazardous Building Materials</i> The project sponsor shall ensure that any equipment containing PCBs or 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>Planning Department and DPH</p>	<p>Prior to approval of project</p>	<p>Comply with applicable laws during removal and disposal or any equipment containing PCBs or DEPH and document this process</p>	<p>Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.</p>	<p>Considered complete upon receipt and final monitoring report at completion of construction</p>