



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination COMMUNITY PLAN EVALUATION

Case No.: 2015-010361ENV
 Project Address: 606 Capp Street
 Zoning: RTO-M (Residential Transit Oriented-Mission) Use District
 40-X Height and Bulk District
 Block/Lot: 3615/055
 Lot Size: 7,350 square feet
 Plan Area: Eastern Neighborhoods Area Plan (Mission Plan Subarea)
 Project Sponsor: Michael Leavitt, Leavitt Architecture Inc., (415) 674-9100
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PROJECT DESCRIPTION

The project site is on the west side of Capp Street on the block surrounded by 21st, Mission, 22nd, and Capp Streets in the Mission Plan subarea of the Eastern Neighborhoods plan area. The project site contains a 28-space surface parking lot. The project sponsor proposes to replace the existing surface parking lot with a four-story, 40-foot-tall (exclusive of elevator and stair penthouses), 17,415-square-foot building containing 20 residences, consisting of 11 one-bedroom and nine two-bedroom units (15,605 square feet of residential use). The remainder of the parking lot will be removed to create 2,380 sf of permeable landscape area. No vehicle parking is proposed, and the project would include the removal of approximately 22 linear feet of curb cut along Capp Street. The project would include 20 Class 1 bicycle spaces on the ground floor and two Class 2 bicycle spaces on the sidewalk in front of the building.

(Continued on next page.)

CEQA DETERMINATION

The project is eligible for streamlined environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

DETERMINATION

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



 LISA GIBSON
 Environmental Review Officer

7/10/17

 Date

cc: Michael Leavitt, Project Sponsor
 Supervisor Hillary Ronen, District 9
 Esmeralda Jardines, Current Planning Division

Virna Byrd, M.D.F
 Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The 20 dwelling units would be distributed with five units on each of the four levels and averaging 606 sf per unit for the one-bedroom units and 914 sf per unit for the two-bedroom units. Private open space would be provided in the form of six decks and three rear yards. Common open space would be provided in the rear yard (1,240 sf) and on the roof deck (610 sf). The roof level would include two stair penthouses (8'6" in height) and an elevator/boiler room penthouse (10'6" in height). The proposed building would be supported by a mat slab foundation. The project would include the planting of four street trees in front of the project site. During the nine month construction period, the project would involve approximately 1,237 cubic yards of excavation to a maximum depth of 6 feet. Construction equipment would include a standard forklift for sending materials to upper floors and a small bobcat for grading. Project construction would not involve pile driving or the use of a crane.

PROJECT APPROVAL

The project at 606 Capp Street would require a building permit from the Department of Building Inspection (DBI) for the proposed new construction on the project site. The project is subject to notification under Planning Code Section 311. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the project. If no discretionary review is requested, the issuance of the building permit by DBI constitutes 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 EVALUATION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) was certified, shall not be subject to additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located; (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; (c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or (d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the 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 606 Capp 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

¹ San Francisco Planning Department Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), August 7, 2008. Case No. 2004.0160E and State Clearinghouse No. 2005032048. Available at <http://sf-planning.org/area-plan-eirs>.

for the 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 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 606 Capp 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

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.³

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 assessed 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 from RM-1 (Residential, Mixed District) to RTO-M (Residential Transit Oriented-Mission) District. The RTO-M Zoning District is well-served by transit, and has a mix of houses and apartment buildings within short

² Available at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>.

³ 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.

walking distance of transit and neighborhood commercial areas. While some one- and two-family structures are present, the character of the District is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity of retail and services within walking distance, it is common that not every dwelling unit has a parking space and overall off-street residential parking is limited. Open space is provided on site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes. The 606 Capp Street project site allows residential use to a height of 40 feet.

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 project at 606 Capp 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 606 Capp Street project, and identified the mitigation measures applicable to the 606 Capp Street project. The 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 606 Capp Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the project.

PROJECT SETTING

The project site is located on the west side of Capp Street on the block surrounded by 21st, Mission, 22nd, and Capp Streets in the Mission District. The project site is currently occupied by a paved, surface parking lot for 28 vehicles. The project block along both sides of Capp Street contains two- to four-story residential buildings, a church and a few surface parking lots, with commercial uses at the corner of Capp and 22nd Streets. On the southwest corner of Capp and 21st Street is an eight-story building containing 134 units of senior housing, and located on mid-block Capp Street between 21st and 20th Streets is the Community Music Center at 544 Capp Street. Nearby projects in the vicinity include an expansion of the Community Music Center and a new five-story building containing 16 dwellings over retail at 2632 Mission Street between 22nd and 23rd Streets. Height and bulk districts along Capp Street are primarily 40-X, with 55-X and 65-X districts along 21st and 22nd Streets.

The project site is well served by public transit. Within one-half mile of the project site are nine Muni transit lines operate at a frequency of at least every 15 minutes during the a.m. and p.m. peak periods: J-Church, 12-Folsom/Pacific, 14-Mission, 14R-Mission Rapid, 14X-Mission Express, 27-Bryant,

⁴ San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 606 Capp Street, March 23, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2015-010361ENV.

⁵ San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 606 Capp Street, May 18, 2017.

33-Ashbury/18th, 48-Quintara/24th Street, and 49-Van Ness/Mission. The 24th Street Mission BART station is within one-half mile of the project site.

Zoning districts in the vicinity of the project site are RTO-M (Residential Transit Oriented-House, Mission) and Mission Street NCT (Neighborhood Commercial Transit).

POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of the following environmental topics: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 606 Capp 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 606 Capp Street project. As a result, the 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 606 Capp Street project would not remove any existing PDR uses, and the current zoning does not allow PDR uses. Therefore, the project would not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. The project would not involve demolition of a historic resource and the project site is not located within a historic district. Therefore, the project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR. Transit ridership generated by the project, which entails approximately 15 p.m. peak hour transit trips, would not considerably contribute to the transit impacts identified in the Eastern Neighborhoods PEIR. The project would not cast shadow on a park or other public open spaces. Therefore, the 606 Capp Street project would not result in any new or substantially more severe impacts than were 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** lists the mitigation measures identified in the Eastern Neighborhoods PEIR and states whether each measure would apply to the 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 required.	Not applicable
F-2: Construction Noise	Not applicable: no heavy construction equipment would be used.	Not applicable
F-3: Interior Noise Levels	Not applicable: the regulations and procedures set forth by Title 24 would ensure that existing ambient noise levels would not adversely affect the proposed residential uses on the project site.	Not applicable
F-4: Siting of Noise-Sensitive Uses	Not applicable: the regulations and procedures set forth by Title 24 would ensure that existing ambient noise levels would not adversely affect the proposed residential uses on the project site.	Not applicable
F-5: Siting of Noise-Generating Uses	Not applicable: the project would not include noise-generating uses.	Not applicable
F-6: Open Space in Noisy Environments	Not applicable: CEQA no longer requires the consideration of the effects of the existing environmental conditions on a proposed project's future users if the project would not exacerbate those environmental conditions.	Not applicable
G. Air Quality		
G-1: Construction Air Quality	Not applicable: the project site is not located within an Air Pollutant Exposure Zone and the requirements of the Dust Control Ordinance supersede the dust control provisions of PEIR Mitigation Measure G-1.	Not applicable
G-2: Air Quality for Sensitive Land Uses	Not applicable: superseded by applicable Article 38 requirements.	Not applicable
G-3: Siting of Uses that Emit Diesel Particulate Matter (DPM)	Not applicable: the project would not include uses that would emit substantial levels of DPM.	Not applicable

Mitigation Measure	Applicability	Compliance
G-4: Siting of Uses that Emit other Toxic Air Contaminants (TACs)	Not applicable: the project would not include uses that would emit substantial levels of other TACs.	Not applicable
J. Archeological Resources		
J-1: Properties with Previous Studies	Not applicable: the project site does not have any previous archaeological studies on record.	Not applicable
J-2: Properties with no Previous Studies	Applicable: soil disturbing activities proposed.	Completed. The Planning Department has conducted preliminary archeological review. The project sponsor has agreed to implement an archeological accidental discovery mitigation measure (see Project Mitigation Measure 1).
J-3: Mission Dolores Archeological District	Not applicable: the project site is not located within the Mission Dolores Archeological District.	Not applicable
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not applicable: plan-level mitigation completed by the Planning Department.	Not applicable
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 the Planning Commission.	Not applicable
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the	Not applicable: plan-level mitigation completed by the Planning Commission.	Not applicable

Mitigation Measure	Applicability	Compliance
Dogpatch Historic District (Central Waterfront)		
L. Hazardous Materials		
L-1: Hazardous Building Materials	Not applicable: the project would not involve demolition of a building.	Not applicable
E. Transportation		
E-1: Traffic Signal Installation	Not applicable: automobile delay removed from CEQA analysis.	Not applicable
E-2: Intelligent Traffic Management	Not applicable: automobile delay removed from CEQA analysis.	Not applicable
E-3: Enhanced Funding	Not applicable: automobile delay removed from CEQA analysis.	Not applicable
E-4: Intelligent Traffic Management	Not applicable: automobile delay removed from CEQA analysis.	Not applicable
E-5: Enhanced Transit Funding	Not applicable: plan level mitigation by San Francisco Municipal Transportation Authority (SFMTA).	Not applicable
E-6: Transit Corridor Improvements	Not applicable: plan level mitigation by SFMTA.	Not applicable
E-7: Transit Accessibility	Not applicable: plan level mitigation by SFMTA.	Not applicable
E-8: Muni Storage and Maintenance	Not applicable: plan level mitigation by SFMTA.	Not applicable
E-9: Rider Improvements	Not applicable: plan level mitigation by SFMTA.	Not applicable
E-10: Transit Enhancement	Not applicable: plan level mitigation by SFMTA.	Not applicable
E-11: Transportation Demand Management	Not applicable: plan level mitigation by SFMTA, and in compliance with a portion of this mitigation measure, the City adopted a comprehensive Transportation Demand Management Program for most new development citywide.	Not applicable

PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on October 25, 2016 to adjacent occupants, owners of properties within 300 feet of the project site, and interested parties. Overall, concerns and issues raised in the two letters received in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments included concerns about the effect of the project on housing affordability, the scale of the project in relation to the character of the neighborhood, and impacts related to land use, shadow, wind, air quality, greenhouse gases (GHG), recreation and open space, and transportation (traffic, transit, the SFMTA changes along Mission Street, and the increase in the use of shuttle services). Comments also addressed the overall suitability of the Eastern Neighborhoods PEIR and its use under CEQA as a document to support a community plan evaluation level of review for the project in light of growth since the PEIR was published.

As detailed in the CPE Initial Study Checklist, the project would not result in significant adverse environmental impacts associated with land use, shadow, wind, air quality, GHGs, recreation and open space, or transportation beyond those identified in the Eastern Neighborhoods PEIR.

CEQA generally does not require the analysis of social or economic impacts. While there could potentially be an impact to property values or rents in the area, such an occurrence would be a socioeconomic impact, which is beyond the scope of CEQA. As stated in CEQA Guidelines Section 15131(a), “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” In general, analysis of the potential adverse physical impacts resulting from economic activities has been concerned with the question of whether an economic change would lead to physical deterioration in a community. Construction of the project at 606 Capp Street would not create an economic change that would lead to the physical deterioration of the surrounding neighborhood.

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

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

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

That is, unless and until the Eastern Neighborhoods Rezoning and Area Plans themselves are amended or revised, the reopening of the Eastern Neighborhoods PEIR is neither warranted nor required under CEQA. The CPE Initial Study Checklist evaluates the project's potential impacts upon its specific setting for each environmental topic, clearly states significance criteria, and provides substantial evidence in the form of topic-specific analyses. Consistent with CEQA Guidelines Section 15130, the CPE Initial Study Checklist also includes analysis of the project's potential cumulative impacts for each environmental topic. The CPE Initial Study Checklist prepared for the project evaluates its potential project-specific environmental effects and incorporates by reference information contained in the Eastern Neighborhoods PEIR. Project-specific analysis was prepared to determine if it would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

The CPE Initial Study Checklist determined that the project would not have a significant impact that was not previously identified in the Eastern Neighborhoods PEIR for all CEQA Guidelines Appendix G environmental topics. The commenter has not provided any evidence that the environmental effects of the project have not been adequately covered by the Eastern Neighborhoods PEIR and the project-specific initial study.

CONCLUSION

As summarized above and further discussed in the project-specific initial study⁶:

1. The project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
2. The 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 project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

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

⁶ The initial study is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2015-010361ENV.

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
provided in a separate removable insert within the final report.				
Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project sponsor			