



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

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

Case No.: 2014-003160ENV
Project Address: 3314 Cesar Chavez Street
Zoning: Mission Street Neighborhood Commercial Transit District
65-X Height and Bulk District
Calle 24 Special Use District
Block/Lot: 6571/012
Lot Size: 13,529 square feet
Plan Area: Eastern Neighborhoods Area Plan (Mission)
Project Sponsor: Drake Gardner, Zone Design Development, (415) 377-6694
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PROJECT DESCRIPTION

The project site is located on the north side of Cesar Chavez between South Van Ness Avenue and Capp Street in the Mission neighborhood. The project site is occupied by a 17-foot-tall, one-story light industrial building (constructed in 1950) approximately 13,800 square feet in size with 12 off-street vehicle parking spaces. The project site is currently used as an office and equipment storage for an owned-occupied construction company ("Alpha Bay Builders"). The project sponsor proposes the demolition of the existing light industrial building, and construction of a 65-foot-tall (74-foot-tall including elevator penthouse), six-story, mixed-use building approximately 57,715 square feet in size. The proposed building would include 58 dwelling units, 1,300 square feet of ground-floor commercial use, and 28 off-street parking spaces located at the basement level accessed from Cesar Chavez Street.

(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

1/25/18

Date

cc: Drake Gardner, Project Sponsor
Doug Vu, Current Planner
Supervisor Hillary Ronen, District 9

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

PROJECT DESCRIPTION (continued)

The proposed mix of units would include one-bedroom and two-bedroom units. The project would include a total 62 Class I bicycle spaces (56 at the ground floor and six at the basement level) and five Class II bicycle spaces would be located on the sidewalk in front of the project site.

The project site is located on the north side of Cesar Chavez between South Van Ness Avenue and Capp Street in the Mission neighborhood. The project site is occupied by a 17-foot-tall, one-story light industrial building (constructed in 1950) approximately 13,800 square feet in size with 12 off-street vehicle parking spaces. The project site is currently used as an office and equipment storage for an owner-occupied construction company ("Alpha Bay Builders"). The project sponsor proposes the demolition of the existing light industrial building, and construction of a 65-foot-tall (74-foot-tall including elevator penthouse), six-story, mixed-use building approximately 57,715 square feet in size. The proposed building would include 58 dwelling units, 1,300 square feet of ground-floor commercial use, and 28 off-street parking spaces located at the basement level accessed from Cesar Chavez Street. The proposed mix of units would include one-bedroom and two-bedroom units. The project would include a total 62 Class I bicycle spaces (56 at the ground floor and six at the basement level) and five Class II bicycle spaces would be located on the sidewalk in front of the project site.

The project would include an approximately 700-square-foot mural on the west elevation of the proposed building at the fifth and sixth floors. The project would remove the two existing street trees in front of the project site and would plant five new street trees. The project would include a total of 10,600 square feet of common open space, comprised of a 2,600-square-foot rear yard at the ground floor, two inner courtyards at the ground floor totaling 1,900 square feet, and a 6,100-square-foot roof deck. In addition, the project would provide a total of 640 square feet of private open space, comprised of four 160-square-foot private patios at the ground floor.

The two existing curb cuts with widths of 17 and 15 feet would be removed and standard sidewalk and curb dimensions restored. The proposed project would create a new 10-foot-wide curb cut for access to the basement level garage. Because the width of the driveway would only accommodate one vehicle traveling in the inbound or outbound direction at a given time, the driveway and garage ramp would include specific management controls for two-way traffic. Sensors would be installed at the gated driveway ramp and at the driveway entrance/exit lane (at the intersection of Cesar Chavez Street) to detect inbound or outbound vehicles within the driveway and ramp area. Upon exiting the parking garage, vehicles traveling up the garage ramp and approaching the gate would activate an electronic sign or signal at the driveway entrance to notify any inbound drivers, pedestrians, or bicyclists along westbound Cesar Chavez Street of exiting vehicles. A separate sensor at the parking garage driveway entrance would trigger an electronic sign or signal to notify any outbound vehicles within the parking garage of approaching inbound vehicles. In the event of inbound vehicles accessing the project driveway and garage ramp, outbound vehicles would be required to wait at the bottom of the ramp and allow the inbound vehicle to enter the garage and clear the ramp before proceeding. In addition to the electronic signal notifying outbound vehicles of approaching inbound vehicle use of the garage ramp, the proposed project would include signage directing outbound vehicles to yield to inbound vehicles within the garage ramp.

Traffic calming and safety treatments would be installed within the parking driveway area, and signage would be installed to notify drivers exiting the parking driveway to slow, stop, and yield to any

pedestrians walking along the sidewalk on Cesar Chavez Street (e.g., "Caution: Pedestrian Crossing," "Watch for Pedestrians," "Exit Slowly," "STOP," etc.). Diagonal mirrors would be installed to ensure that drivers exiting the parking garage and pedestrians on the sidewalk along the project frontage could see each other. The project would include rumble strips or similar traffic calming devices to maintain slow speeds for vehicles within the parking garage ramp.

The project sponsor would apply to the San Francisco Municipal Transportation Agency (SFMTA) Color Curb Program for the conversion of three parking spaces (60 feet total length) along the project frontage on Cesar Chavez Street, with two spaces (40 feet) dedicated to commercial loading use, and one space (20 feet) for passenger loading use.¹ In order to manage deliveries within this proposed commercial loading zone, building management would coordinate with delivery companies to institute safe loading procedures that do not conflict with the adjacent westbound class II bicycle lane on Cesar Chavez Street, including but not limited to conditions for loading companies not to double park in the bicycle lane.

During the approximately 18-month construction period, the proposed project would require up to approximately 25 feet of excavation below ground surface for the proposed basement level and car stackers, resulting in approximately 6,000 cubic yards of soil removal. The proposed building would be supported by a mat foundation on improved soil; impact piling driving is not proposed or required.

PROJECT APPROVALS

The proposed 3314 Cesar Chavez Street project would require the following approvals:

Actions by the Planning Commission

- Approval of conditional use authorization from the Planning Commission is required per Planning Code section 121.1 for the new construction on a lot that is larger than 10,000 square feet.

Actions by other City Departments

- Approval of a site mitigation plan from the San Francisco Department of Public Health prior to the commencement of any excavation work.
- Approval of building permits from the San Francisco Department of Building Inspection for demolition and new construction.
- Approval of designated color curbs for on-street commercial and passenger loading from the San Francisco Municipal Transportation Agency.

The approval of the conditional use authorization would be the *approval action* for the project. The approval action date establishes the start of the 30-day appeal period for this CEQA 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-

¹ The SFMTA Color Curb Program: <https://www.sfmta.com/getting-around/parking/curb-colors>

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 3314 Cesar Chavez Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)². Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 3314 Cesar Chavez 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.^{3,4}

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

² Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

³ 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.

⁴ San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025). 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.⁵

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. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Evaluation (CPE) Initial Study Checklist, under Land Use.⁶

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to Mission NCT (Neighborhood Commercial Transit). The Mission NCT District is extremely well-served by transit, and accessory parking for residential uses is not required. Any new parking is required to be set back or be below ground. This district has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. The project site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with a building up to 65 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 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 3314 Cesar Chavez 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 3314 Cesar Chavez Street project, and identified the mitigation measures applicable to the 3314 Cesar Chavez Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{7,8} Therefore, no further CEQA evaluation for the 3314 Cesar Chavez Street project is required. In sum, the Eastern

⁵ 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.

⁶ The CPE Initial Study Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014-003160ENV.

⁷ San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 3314 Cesar Chavez Street*, April 5, 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. 2014-003160ENV.

⁸ San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 3314 Cesar Chavez Street*, June 29, 2016.

Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located on the north side of Cesar Chavez between South Van Ness Avenue and Capp Street in the Mission neighborhood. The project site is occupied by a 17-foot-tall, one-story light industrial building (constructed in 1950) approximately 13,800 square feet in size with 12 off-street vehicle parking spaces. The project site is currently used as an office and equipment storage for an owner-occupied construction company ("Alpha Bay Builders"). The property immediately adjacent to the west of the project site is a four-story residential building (constructed in 1993) with 25 units. The property immediately adjacent to the east of the project site, at the intersection of Cesar Chavez Street and South Van Ness Avenue, is a gasoline station. The properties immediately adjacent to the north (rear) of the project site that front on 26th Street are two- to three-story residential buildings. The surrounding area around the project site is characterized by a variety of uses, including light industrial, commercial, and residential uses. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following bus lines: 12, 14, 14R, 27, 36, 49, and 67. The nearest Muni bus stops are approximately 215 feet to the east and 550 feet to the west along Cesar Chavez Street. Additionally, the nearest Bay Area Rapid Transit (BART) regional rail station is located approximately 0.4 miles north of the project site at 24th and Mission streets. There is a bicycle route that runs along Cesar Chavez Street. The surrounding parcels are either within the Mission NCT (north of Cesar Chavez Street) or Residential-House, Two Family (south of Cesar Chavez Street). Height and bulk districts within a one-block radius include 65-X (north of Cesar Chavez Street) and 40-X (south of Cesar Chavez Street).

There is an approved development at 1515 South Van Ness Avenue (Case No. 2014-1020ENV) that involves the demolition of an existing commercial building and construction of a six-story mixed-use residential building with 157 units (approximately 170 feet east of the project site). There is also an approved development at 1296 Shotwell Street (Case No. 2015-018056ENV) that involves the demolition of an existing one-story building and construction of a nine-story affordable senior housing building with 94 units (approximately 270 feet east of the project site).

POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 3314 Cesar Chavez 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 3314 Cesar Chavez 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 proposed project would remove existing PDR uses; however, the project site was zoned Mission

Neighborhood Commercial District prior to the rezoning of Eastern Neighborhoods, which did not encourage PDR uses. Furthermore, the rezoning of the project site to Mission Street NCT was not included to provide PDR uses to address the long-term PDR land supply loss. Therefore, the project would not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. The proposed project does not involve demolition of an historic resource and the project site is not located within a historic district. Therefore, the proposed 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 41 p.m. peak hour transit trips, would not considerably contribute to the transit impacts identified in the Eastern Neighborhoods PEIR. The proposed project would not cast shadow on a park or other public open spaces. Therefore, the proposed 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** 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 required	Not Applicable
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction (Project Mitigation Measure 2).
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: proposed project would not include noise-generating uses	Not Applicable

Mitigation Measure	Applicability	Compliance
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: project site is not located within an Air Pollutant Exposure Zone and the requirements of the Dust Control Ordinance supersedes 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: proposed project does not include uses that would emit substantial levels of DPM	Not Applicable
G-4: Siting of Uses that Emit other Toxic Air Contaminants (TACs)	Not Applicable: proposed project does not include uses that would emit substantial levels of other TACs	Not Applicable
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: project site does not have any previous archeological studies on record	Not Applicable
J-2: Properties with no Previous Studies	Applicable: project site is located in an area with no previous archeological studies	The project sponsor has agreed to implement the Planning Department's Standard Archeological Mitigation Measure #3 (Archeological Testing), as Project Mitigation Measure 1.
J-3: Mission Dolores Archeological District	Applicable: project site is not located within the Mission Dolores Archeological District	Not Applicable
K. Historical Resources		
K-1: Interim Procedures	Not Applicable: plan-level mitigation	Not Applicable

Mitigation Measure	Applicability	Compliance
for Permit Review in the Eastern Neighborhoods Plan area	completed by Planning Department	
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	Not Applicable
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	Not Applicable
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: project involves demolition of a building	Project Mitigation Measure 3, which the sponsor has agreed to, requires removal and disposal of any equipment containing PCBs or DEHP according to applicable federal, state, and local laws prior to the start of demolition.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: 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

Mitigation Measure	Applicability	Compliance
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

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 April 4, 2016 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments included concerns about shadow impacts, wind impacts, the effect of the proposed project on area rents and property values, the height of the proposed project and its relationship to the surrounding neighborhood, greenhouse gases (GHG) impacts, traffic impacts, and the impact of the project on the Calle 24 Latino Cultural District, as well as 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 proposed project.

As detailed in the CPE Initial Study Checklist, the proposed project would not result in significant adverse environmental impacts associated with shadow, wind, land use, parking, GHGs, 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 proposed project at 3314 Cesar Chavez 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 proposed 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, that former residents displaced from the Mission subsequent to the certification of the PEIR now travel longer distances by automobile, and that there are environmental impacts to cultural resources due to the project's impact on the Latino Cultural District. 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. Impacts to the environment that might result with implementation of the project were analyzed in the CPE Initial Study Checklist according to the project's potential impacts upon the specific setting for each environmental topic, clearly stated significance criteria, and 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 proposed 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 for the project 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 proposed 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 received comments from the environmental notice have not provided any evidence that the environmental effects of the project have not been adequately covered by the Eastern Neighborhoods PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁹:

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

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

⁹ The CPE Initial Study Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014-003160ENV.

EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES				
<p>Project Mitigation Measure 1 – Archeological Testing (Implementing Eastern Neighborhoods PEIR Mitigation Measure J-2)</p> <p>Based on a reasonable presumption that archeological resources may be present on the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Planning Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Prior to issuance of any permit for soils-disturbing activities and during construction activities.</p>	<p>Project sponsor/archeological consultant and ERO.</p>	<p>Considered complete upon ERO’s approval of FARR.</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
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extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5(a)(c).

Consultation with Descendant Communities. On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site, and to consult with ERO regarding appropriate archeological treatment of the site; of recovered data from the site; and if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project; the testing method to be used; and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and

¹ The term "archeological site" is intended to minimally include any archeological deposit, feature, burial, or evidence of burial.

² An "appropriate representative" of the descendant group is defined, in the case of Native Americans, as any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission; and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archeologist.

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to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If, based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO, in consultation with the archeological consultant, shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor, either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance, and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO, in consultation with the archeological consultant, determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

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<ul style="list-style-type: none"> ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to the commencement of any project-related soils-disturbing activities. The ERO, in consultation with the archeological consultant, shall determine which project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), or site remediation shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context. ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource. ▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits. ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. ▪ If an intact archeological deposit is encountered, all 				

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<p>soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile-driving/construction activities and equipment until the deposit is evaluated. If, in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made, in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p>				

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accordance with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. The ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the

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resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- **Field Methods and Procedures.** Descriptions of proposed field strategies, procedures, and operations.
- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and De-accession Policy.** Description of and rationale for field and post-field discard and de-accession policies.
- **Interpretive Program.** Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- **Security Measures.** Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- **Final Report.** Description of proposed report format and distribution of results.
- **Curation.** Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the

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accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco; and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert in the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey

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<p>Northwest Information Center (NWIC) shall receive one 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, one unbound, and one unlocked, searchable PDF copy on CD 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/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				

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Project	Mitigation	Measure 2:	Construction	Noise	Project sponsor and contractor.	Prior to issuance of a building permit and during construction activities.	The project sponsor shall prepare and submit monthly noise reports during construction.	Considered complete upon final monthly report.
(Implementing Measure F-2)	Eastern Neighborhoods PEIR	Neighborhoods PEIR	Construction PEIR	Mitigation Measure F-2)				
<p>The project sponsor is required to develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; ▪ Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 								

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<p>Project Mitigation Measure 3 – Hazardous Building Materials Abatement (Implementing Eastern Neighborhoods PEIR Mitigation Measure L-1)</p> <p>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>	Project sponsor, construction contractor(s).	Prior to any demolition or construction activities	Project Sponsor; Planning Department; Department of Public Health	Prior to any demolition or construction activities

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IMPROVEMENT MEASURES

Project Improvement Measure I-TR-1 – Application to SFMTA Color Curb Program for Commercial Curbside Loading Spaces

Project sponsor and property owner.

Once retail tenant is known.

SFMTA Color Curb Program

Considered complete upon SFMTA determination.

To reduce the potential for unmet commercial loading demand at the project site, it shall be the responsibility of the project sponsor/property owner to require the retail tenant (once known) to apply to the SFMTA Color Curb Program to potentially convert two existing on-street parking spaces along the project site’s frontage on Cesar Chavez Street to a 40-foot-long commercial loading space.

Project Improvement Measure I-TR-2 – Application to SFMTA Color Curb Program for Curbside Passenger Loading (White Curb) Space

Project sponsor and property owner.

Prior to any demolition or construction activities.

SFMTA Color Curb Program

Considered complete upon SFMTA determination.

To reduce the potential for unmet passenger loading demand at the project site, it shall be the responsibility of the project sponsor/property owner to apply to the SFMTA Color Curb Program to potentially convert one existing on-street parking space along the project site’s frontage on Cesar Chavez Street to a 20-foot-long passenger loading space.