



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

Case No.: 2015-005863ENV
 Project Address: 360 Fifth Street
 Zoning: Mixed Use Residential (MUR) District
 85-X and 45-X Height and Bulk Districts
 Block/Lot: 3753/005, 006A, 007, 057, 058, 100, 101, 147
 Lot Size: 23,125 square feet
 Plan Area: Eastern Neighborhoods Area Plan (East SoMa Plan Area)
 Project Sponsor: John Kevlin – Reuben, Junius & Rose
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PROJECT DESCRIPTION

The project site consists of eight lots on the west side of Fifth Street between Clara Street and Shipley Street. The proposed project would demolish three existing two-story structures totaling approximately 17,900 square feet (sf), dedicated to PDR use. The project would construct a four- to eight-story, 45-foot to 85-foot-tall, mixed use building, with residential units above ground floor retail and ground floor and basement level PDR space.

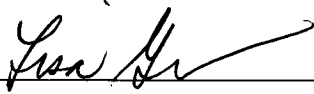
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CEQA DETERMINATION

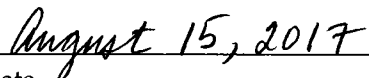
The project is eligible for streamlined environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

DETERMINATION

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



 Lisa Gibson
 Environmental Review Officer



 Date

cc: John Kevlin, Project Sponsor; Supervisor Jane Kim, District 6; Doug Vu, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed approximately 141,700 gross square foot building would include 127 dwelling units (31 studios, 43 one-bedrooms, 34 two-bedrooms, and 19 three-bedrooms), approximately 1,300 square feet of ground floor retail with frontages on Fifth and Shipley streets, and approximately 8,000 square feet of PDR space at the ground and basement levels with frontages on Fifth and Clara streets. A residential lobby would be located between the retail and PDR spaces, with access from Fifth Street. Two bicycle storage areas in the below-grade garage would provide 110 class I bicycle parking spaces.¹ The garage area would also include up to 35 automobile parking spaces, two car-share spaces, and two service vehicle loading spaces, with access via a proposed 20-foot curb cut replacing an existing curb cut on Clara Street. Five existing curb cuts (two on Fifth Street, one on Clara Street, and two on Shipley Street) would be removed. Eleven class II bicycle parking spaces would be installed on the three project frontages. Five existing street trees on Fifth Street and one on Clara Street would be removed and replaced with seven new street trees along Fifth Street. A total of approximately 10,300 square feet of open space would be provided in a combination of private decks, a ground floor courtyard, a fifth floor terrace, and a roof deck.

Construction of the proposed building would involve soil disturbance over the entire project site and excavation 12 to 14 feet deep, resulting in removal of about 10,300 cubic yards of soil. Project construction is estimated to take approximately 24 months.

PROJECT APPROVAL

The proposed 360 Fifth Street project would require the following approvals:

- Large Project Authorization (*Planning Commission*)
- Demolition Permit (*Planning Department and Department of Building Inspection*)
- Site/Building Permit (*Planning Department and Department of Building Inspection*)
- Approval of project compliance with the Stormwater Control Guidelines (*Department of Public Works*).
- Approval of a stormwater control plan (*San Francisco Public Utilities Commission*)
- Approval of construction within the public right-of-way (e.g., bulbouts and sidewalk extensions) (*San Francisco Department of Public Works and San Francisco Municipal Transportation Agency*)
- Approval of a proposed passenger (white) and commercial freight (yellow) loading space through San Francisco Municipal Transportation Agency's Color Curb program.

A Large Project Authorization by the Planning Commission constitutes the *approval action* for the proposed 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.

¹ Section 155.1(a) of the Planning Code defines class I bicycle spaces as "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees" and defines class II bicycle spaces as "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use."

COMMUNITY PLAN EVALUATION OVERVIEW

CEQA 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 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 360 Fifth 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 360 Fifth Street. Previously, the site was designated as a 40-X/85-B height and bulk.

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

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.

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.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.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned from Residential/Service Mixed-Use District (RSD) to Mixed Use Residential (MUR) District. The MUR District is intended to promote high-density housing and a flexible mix of smaller neighborhood-serving retail and commercial uses, including some PDR uses, appropriate for development to take advantage of major transit investments. Restrictions on the size of non-residential uses would prohibit the development of large-scale retail and office uses. 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, under Land Use. The 360 Fifth Street site, which is located in the Eastern SoMa area of the Eastern Neighborhoods, was designated as a site with building up to 85/45 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 360 Fifth 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 360 Fifth Street project, and identified the mitigation measures applicable to the 360 Fifth Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{6,7} Therefore, no further CEQA evaluation for the 360 Fifth Street project is required. In sum, the Eastern Neighborhoods PEIR and this certificate of

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 Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 360 Fifth Street, March 13, 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. 2015-005863ENV.

⁷ Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 360 Fifth Street, April 20, 2017.

determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site and the surrounding city blocks to the north, east and west are zoned Mixed Use Residential (MUR), the blocks to the south are zoned Service/Arts/Light Industrial (SALI). The project vicinity includes a mix of residential, retail/commercial, PDR, office and institutional uses. The project block includes one- to four-story buildings; including restaurant supply services, fine art rental, financial services, automobile maintenance and repair services, residential buildings, and the City Life Church of San Francisco. The blocks surrounding the project site include similar uses. San Francisco Fire Department Station No. 1 is located on the block to the north of the project site, at 935 Folsom Street. The project site is located about four blocks south of Market Street. Market Street between Fourth and Fifth streets includes a regional-destination shopping center. The financial district lies north of Market 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 previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 360 Fifth 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 360 Fifth 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 contribute considerably to the land use impact, because it would remove existing PDR uses and preclude future PDR development opportunities on the project site. The proposed project would not contribute to the impact on historic architectural resources, because it would not result in the demolition or alteration of any such resources. The volume of transit ridership generated by the proposed project would not contribute considerably to the transit impacts identified in the Eastern Neighborhoods PEIR. The proposed project would not contribute to the shadow impact, because it would not cast shadow on any parks or open spaces.

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)	Applicable: pile driving proposed	The project sponsor has agreed to use pre-drilled piles if feasible, refrain from using impact pile drivers, if possible, use pile-driving equipment with state-of-the-art noise shielding and muffling devices and schedule pile driving activities to minimize disruption to neighbors (see Project Mitigation Measure 2).
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 (see Project Mitigation Measure 3).
F-3: Interior Noise Levels	CEQA generally no longer requires the consideration of the effects of existing environmental conditions on a proposed project's future users or residents.	Not Applicable
F-4: Siting of Noise-Sensitive Uses	CEQA generally no longer requires the consideration of the effects of existing environmental conditions on a proposed project's future users or residents.	Not Applicable
F-5: Siting of Noise-Generating Uses	Not Applicable: Noise generated by the proposed PDR uses would not exceed ambient noise levels in the vicinity of the proposed project site	Not Applicable
F-6: Open Space in Noisy Environments	CEQA generally no longer requires the consideration of the effects of existing environmental conditions on a proposed project's future users or residents.	Not Applicable

Mitigation Measure	Applicability	Compliance
G. Air Quality		
G-1: Construction Air Quality	Applicable: The project site is in an Air Pollutant Exposure Zone	The project sponsor has agreed to implement a mitigation measure related to minimizing exhaust emissions from construction equipment and vehicles (see Project Mitigation Measure 4).
G-2: Air Quality for Sensitive Land Uses	Not Applicable: Superseded by Health Code article 38	Not Applicable
G-3: Siting of Uses that Emit DPM	Not Applicable: The project does not include uses that emit DPM	Not Applicable
G-4: Siting of Uses that Emit other TACs	Not Applicable: The project does not include uses that emit TACs	Not Applicable
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: No ARDTP is on file for the project site	Not Applicable
J-2: Properties with no Previous Studies	Applicable: No archeological assessment report has been prepared for the project site	The project sponsor has agreed to implement archeological testing (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 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 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

Mitigation Measure	Applicability	Compliance
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: The project includes the demolition or renovation of an existing building	The project sponsor has agreed to remove and properly dispose of any hazardous building materials in accordance with applicable federal, state, and local laws prior to and during demolition of the existing building (see Project Mitigation Measure 5).
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 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	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 February 23, 2017 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. The comments received identified concerns related to the amount of excavation, the presence of unstable soils and a high water table, and construction-period noise and air quality impacts. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

CONCLUSION

As summarized above and further discussed in the initial study⁸:

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 CEQA 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. 2015-005863ENV.