



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.: **2013.0744E**
Project Address: **131 Missouri Street**
Zoning: **UMU (Urban Mixed Use) Zoning District**
40-X Height and Bulk District
Block/Lot: **3985/024**
Lot Size: **7,500 square feet**
Plan Area: **Eastern Neighborhoods Area Plan**
Project Sponsor: **Aaron Schlechter, Middle of the Hill, LLC – (415) 988-1080**
Staff Contact: **Sandy Ngan – (415) 575-9102**
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PROJECT DESCRIPTION

131 Missouri Street (Assessor’s Block 3985, Lot 024) is located on the east side of Missouri Street between 17th Street and Mariposa Street in San Francisco’s Potrero Hill neighborhood. The parcel is approximately 7,500 square feet in size and is located in a UMU (Urban Mixed Use) Zoning District and a 40-X Height and Bulk District. The project site is currently occupied by a 4,500 square-foot, two-story, vacant warehouse building on the southern portion of the lot. A driveway with a chain link fence is located on the northern portion of the lot.

(Continued on next page)

EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

DETERMINATION

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


SARAH B. JONES
Environmental Review Officer

April 21, 2015
Date

cc: Aaron Schlechter, Project Sponsor
Supervisor Malia Cohen, District 10
Brittany Bendix, Current Planner

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

PROJECT DESCRIPTION (continued)

The proposed project would demolish the existing on-site vacant warehouse building and construct a four-story, 40-foot-tall (excluding the 16-foot-tall elevator penthouse above the structural roof), approximately 21,155 square-foot residential building. The residential building would have 15,130 square feet of residential use, 4,560 square feet of parking use, and 1,465 square feet of common/stairs/entry use to accommodate a garage on the ground-floor level, nine two-bedroom units on the ground through fourth-floor levels, and an approximately 475 square-foot common deck on the roof. The ground-floor garage, accessed via Missouri Street, would accommodate nine off-street parking spaces (including one ADA van accessible space) and nine Class I bicycle parking spaces. The building would include a four-foot-tall parapet, a 16-foot-tall elevator penthouse, and a 10-foot-tall stair penthouse above the 40-foot-tall structural roof (56-foot-tall at the top of the penthouses). The proposed project at 131 Missouri Street would involve approximately three feet of below ground surface excavation and approximately 600 cubic yards of soil disturbance.

PROJECT APPROVAL

The proposed project is subject to Neighborhood Notification per Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of the building permit is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EXEMPTION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 131 Missouri 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

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

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 131 Missouri 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.^{2,3}

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to UMU (Urban Mixed Use) District. The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 131 Missouri Street site, which is

² San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

³ San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

located in the Showplace Hill/Potrero Hill area of the Eastern Neighborhoods, was designated as a site with building up to 40 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 131 Missouri Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 131 Missouri Street project, and identified the mitigation measures applicable to the 131 Missouri Street project. The proposed 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 131 Missouri Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located on the east side of Missouri Street between 17th Street and Mariposa Street in the Potrero Hill neighborhood and is approximately three blocks west of Interstate-280. The immediate area around the project is characterized by a mix of residential, commercial, and industrial uses. To the north, adjacent the project site, is a mixed-used residential building with industrial uses on the ground floor and residential uses on the second and third floors. To the south, adjacent to the project site, is a two-story single family home. To the west, across Missouri Street from the project site, is the Monte Cristo Club. The project site is primarily surrounded by residential uses from single-family homes to two-unit and three-unit residential structures ranging from one to three stories. The Live Oak School is located approximately two blocks southwest 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 131 Missouri 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 131 Missouri Street project. As a result, the proposed

⁴ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 131 Missouri Street, September 13, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0744E.

⁵ Joslin, Jeff, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 131 Missouri Street, December 15, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0744E.

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 result in a net loss of approximately 4,500 square feet of PDR building space and would contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. However, the loss of 4,500 square feet of existing PDR use is not substantial in light of the existing PDR supply. The 7,500 square-foot site is not a substantial PDR opportunity and would not result in a considerable contribution to any impact related to the loss of PDR uses. In addition, the proposed project would involve the demolition a building determined not to be historic resources by Preservation staff; therefore, demolition of the building would not result in a significant impact on historic resources. Traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. A shadow study was not required for the proposed project because the proposed project building height would be 40 feet (excluding the stair/elevator penthouse). The proposed project building is not expected to shade any Planning Code Section 295 or non-section 295 open spaces. The proposed project would shade nearby sidewalks, but at levels commonly expected in urban areas.

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
F. Noise	
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed
F-2: Construction Noise	Not Applicable: pile driving not proposed
F-3: Interior Noise Levels	Not Applicable: project is subject to California Noise Insulation Standards in Title 24.
F-4: Siting of Noise-Sensitive Uses	Applicable: project would add noise sensitive uses in an area where noise levels exceed 60 dBA (Ldn). The requirements of this mitigation measure have been completed during the environmental review process through the preparation of a noise study. No further mitigation is required.
F-5: Siting of Noise-Generating Uses	Not Applicable: project would is not expected to generate excessive noise levels.
F-6: Open Space in Noisy Environments	Applicable: project would add open space in in an area where noise levels exceed 60 dBA (Ldn). The majority of open space is shielded by the proposed building. The requirements of

Mitigation Measure	Applicability
	this mitigation measure have been complied with as part of this environmental review process through the preparation of a noise study. No further mitigation is required.
G. Air Quality	
G-1: Construction Air Quality	Not Applicable: project would comply with the San Francisco Dust Control Ordinance.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: project site is not in the Air Pollutant Exposure Zone.
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed residential uses are not uses that would emit substantial levels of DPM.
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed residential land uses are not uses that would emit substantial levels of other TACs.
J. Archeological Resources	
J-1: Properties with Previous Studies	Not Applicable: project site does not contain any previous archaeological studies.
J-2: Properties with no Previous Studies	Applicable: project site is located in an area with no previous archaeological studies. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located within the Mission Dolores Archeological District.
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.
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.
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
L. Hazardous Materials	

Mitigation Measure	Applicability
L-1: Hazardous Building Materials	Applicable: project involves demolition of an existing building.
E. Transportation	
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA.
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department.
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA.
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA.
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA.
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA.
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA.
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA.
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA.

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.

Several projects are proposed in the immediate project area. They include, but are not limited to: 1601-1677 Mariposa Street (8,823 square feet retail, 316 residential units), 98 Pennsylvania Avenue (45 residential units), 88 Arkansas Street (125 residential units), and 1301 16th Street (276 residential units) Given the proposed project’s size at nine residential units, it would not contribute to any cumulative impact resulting from projects in the project area.

In addition, the project proposed would result in the placement of residential uses in close proximity to the Monte Cristo Club, a noise generating use, at 136 Missouri Street. On December 16, 2014, San

Francisco Board of Supervisors Supervisor London Breed introduced legislation that would amend the San Francisco Building, Administrative, Planning and Police Codes to address noise-related issues arising when the City considers development proposals that would place either residential land uses or Places of Entertainment (POEs) in close proximity to one another. The amendments would provide for the evaluation of noise associated with existing and new POEs, disclosure of potential noise to lessors and sellers of residential property, and attenuation of exterior noise for new residential structures. The proposed project would comply with the noise legislation introduced by Supervisor Breed (if approved) given its proximity to the Monte Cristo Club, an existing POE. The proposed project would comply with the noise legislation introduced by Supervisor Breed (if approved) given its proximity to the Monte Cristo Club, an existing POE.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on May 19, 2014 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. Two individuals expressed concerns regarding the proposed project related to aesthetics, neighborhood character, building height, air quality, noise, shadow, parking, traffic circulation, geology, soils, hydrology, and water quality. The Community Plan Exemption Checklist addresses these concerns, as they relate to physical environmental effects, in the applicable checklist topics –Aesthetics (Page 12), Land Use (Page 12), Transportation and Circulation (Page 16), Noise (Page 20), Air Quality (Page 23), Greenhouse Gas Emissions (Page 25), Wind (Page 26), Shadow (Page 26), Geology (Page 30), Hydrology (Page 32), and Hazards and Hazardous Materials (Page 33). Comments regarding the design, height and bulk restrictions, and Planning Code requirements were noted and forwarded to Current Planning staff, which would review the entitlement application and provide recommendations to the Planning Commission.

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 CPE Checklist⁶:

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;

⁶ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0744E.

4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.