



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

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

Case No.: 2016-004823ENV
Project Address: 744 Harrison Street/29 Rizal Street
Zoning: MUO (Mixed Use Office) Zoning District
South of Market Youth and Family Special Use District
85-X Height and Bulk District
Block/Lot: 3751/028 and 054
Lot Size: 4,000 square feet
Plan Area: Eastern Neighborhoods Area Plan, East SoMa Subarea
Project Sponsor: Thomas Tunny, Reuben, Junius and Rose LLP 415-567-9000
Staff Contact: Justin Horner 415-575-9023 justin.horner@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project site is located between Harrison and Rizal streets, with a frontage on Lapu Lapu Street, on the block bounded by Harrison Street to the south, 3rd Street to the east, 4th Street to the west and Folsom Street to the north in the South of Market neighborhood (see Figure 1). The project site consists of two lots with frontages on Harrison Street, Lapu Lapu Street and Rizal Street (see Figure 2). The project site is occupied by a 25-foot-tall, two-story, 3,250-square-foot vacant commercial building built in 1926 fronting on Harrison Street, and a surface parking lot in the rear with access from Lapu Lapu Street, in the East SoMa area of the Eastern Neighborhoods Plan Area.

The proposed project involves the merger of the two lots, demolition of the existing structure and the construction of an eight-story, 85-foot-tall mixed-use project, consisting of hotel, residential and retail uses.

Continued on page 2

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

11/9/17

Date

cc: Thomas Tunny, Project Sponsor; Supervisor Kim, District 6; Esmerelda Jardines, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION CONTD.

The proposed building would include 52 hotel rooms, seven group housing units, and 1,750-sf of ground floor retail space (see Figures 3-8). The proposed building would include 24 Class 1 bicycle spaces and eight Class 2 bicycle spaces and does not propose any vehicle parking spaces.¹ The project would include the removal of three existing curb cuts: two on Lapu Lapu Street and one on Rizal Street. Hotel and residential access would be provided from Lapu Lapu Street and retail access would be provided from Harrison Street. The proposed project would involve excavation of up to approximately 10 feet below ground surface and 850 cubic yards of soil is proposed to be removed.

PROJECT APPROVAL

The proposed project requires a Large Project Authorization and a Conditional Use Authorization from the Planning Commission. The approval of the Conditional Use Authorization will constitute 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.

COMMUNITY PLAN EVALUATION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the 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 744 Harrison Street/29 Rizal 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

¹ Class one bicycle spaces are spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and employees. Class two bicycle spaces are "bicycle racks 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. Planning Code section 155.1 (a).

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

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 744 Harrison Street/29 Rizal 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 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 to MUO (Mixed Use Office) District. The MUO District is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment and small tourist hotels are permitted as a conditional use. The 744 Harrison Street/29 Rizal Street site, which is located in the East SoMa Area of the Eastern Neighborhoods, was designated as a site with building up to 85 feet in height.

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.

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.

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 744 Harrison Street/29 Rizal 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 744 Harrison Street/29 Rizal Street project, and identified the mitigation measures applicable to the 744 Harrison Street/29 Rizal 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 744 Harrison Street/29 Rizal Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located between Harrison and Rizal streets, with a frontage on Lapu Lapu Street, on the block bounded by Harrison Street to the south, 3rd Street to the east, 4th Street to the west and Folsom Street to the north in the South of Market neighborhood. The project area along Harrison Street is characterized primarily by commercial and mixed-use residential land uses in one- to seven-story buildings on the north side of Harrison Street, with commercial and PDR land uses in one- to three-story buildings on the south side. Across Rizal Street from the project site is the Amice Street Community Garden, a nine-story residential building. Parcels surrounding the project site are within MUO (Mixed Use Office), MUR (Mixed Use Residential) and SLI (SOMA Service, Light Industrial) Zoning Districts, and are within 85-X, 55-X and 45-X Height and Bulk districts. There is a seven-story, 77-unit residential building currently under construction adjacent to the project site to the west at 750 Harrison Street.⁸ The project site is approximately 550 feet south of Moscone Center.

The closest Bay Area Rapid Transit District (BART) stop is at Montgomery Street, approximately 0.4 miles northwest of the site. The project site is within a quarter mile of several local transit lines, including Muni lines 8AX-Bayshore A express, 8BX-Bayshore B Express, 10-Townsend, 12-Folsom/Pacific, 27-Bryant, 30-Stockton, 45-Union/Stockton, 47-Van Ness, 81X-Caltrain Express, 82X-Levi Plaza Express, 83X-Mid-Market Express 49-Van Ness/Mission and 67-Bernal Heights.

⁶ Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 744 Harrison Street/29 Rizal Street, February 2, 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. 2016-004823ENV.

⁷ Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 744 Harrison Street/29 Rizal Street, February 8, 2017.

⁸ 750 Harrison Street, Planning Department Case No. 2013-0485ENV.

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 744 Harrison Street/29 Rizal 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 744 Harrison Street/29 Rizal 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 not divide an established community, cumulatively contribute to the loss of PDR, adversely impact an historic resource, contribute to an adverse transportation impact or cast shadow to an extent to adversely impact the use or enjoyment of a public park.

The Eastern Neighborhoods PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historical resources, hazardous materials, and transportation. **Table 1** below lists the mitigation measures identified in the Eastern Neighborhoods PEIR and states whether each measure would apply to the proposed project.

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed	N/A
F-2: Construction Noise	Not Applicable: no particularly noisy construction methods would be anticipated during the project’s construction phase.	N/A
F-3: Interior Noise Levels	Not Applicable: CEQA no longer requires the consideration of the effects of the existing environment on a proposed project’s future users or residents where that project would not exacerbate existing noise levels.	N/A

Mitigation Measure	Applicability	Compliance
F-4: Siting of Noise-Sensitive Uses	Not Applicable: CEQA generally no longer requires the consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels.	N/A
F-5: Siting of Noise-Generating Uses	Not Applicable: the project does not include any noise-generating uses.	N/A
F-6: Open Space in Noisy Environments	Not Applicable: CEQA generally no longer requires the consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels.	N/A
G. Air Quality		
G-1: Construction Air Quality	Not Applicable: these requirements have been superseded by the San Francisco Dust Control Ordinance.	If visible dust is generated by the proposed project, it would be required to comply with the San Francisco Dust Control Ordinance.
G-2: Air Quality for Sensitive Land Uses	Applicable: proposed project includes construction with an Air Pollution Exposure Zone (APEZ).	Sponsor has agreed to Project Mitigation Measure 2: Construction Air Quality
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed residential and retail uses are not expected to emit substantial levels of DPMs.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed project would not include a backup diesel generator or other use that emits TACs.	N/A

Mitigation Measure	Applicability	Compliance
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: no archeological research design and treatment plan on file for this site.	N/A
J-2: Properties with no Previous Studies	Applicable: property has not been the subject of previous archeological study.	Project has agreed to Project Mitigation Measure 1: Archeological Testing
J-3: Mission Dolores Archeological District	Not Applicable: project does not include any excavation and is not located in Mission Dolores Archeological District.	N/A
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: project includes alteration of an existing structure.	Project sponsor has agreed to Project Mitigation Measure 3: Hazardous Building Materials.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA	N/A

Mitigation Measure	Applicability	Compliance
	analysis	
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	N/A

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures the proposed project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on February 27, 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. Public comments included concerns about the height of the building and potential shadow impacts to the Alice Street Community Garden (a private garden located directly northeast of the project site), transportation impacts, including guest arrival and departure and deliveries, the lack of affordable housing and the need for a Conditional Use Authorization for a hotel in this area. Unit mix and land use restrictions are not subject to environmental analysis under CEQA. The remaining comments were addressed in the CPE Checklist for the proposed project. 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 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 Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2016-004823ENV.