



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2014.1041E  
 Project Address: 390 First Street  
 Zoning: RH-DTR (Rincon Hill Downtown Residential) Use District  
 45/65-R & 65/400-R Height and Bulk District  
 Block/Lot: 3749/058  
 Lot Size: 18,748 square feet (0.43 acres)  
 Plan Area: Rincon Hill  
 Project Sponsor: John Kevlin, Reuben, Junius & Rose, LLP – (415) 567-9000  
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### PROJECT DESCRIPTION

The project site is located at 390 First Street (Assessor's Block 3749, Lot 058), on the west side of First Street between Harrison and Lansing streets, in the South of Market neighborhood (See Figure 1).<sup>1</sup> The 18,748-square-foot (0.43 acre) corner lot has frontages along First, Harrison, and Lansing streets. The project site is currently occupied by a one-story automobile service station that was constructed in 1969.

(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 26, 2016  
 Date

cc: John Kevlin, Project Sponsor  
 Supervisor Jane Kim, District 6  
 Doug Vu, Current Planner  
 Stephanie Cisneros, Preservation Planner

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

<sup>1</sup> Market Street is oriented in a northeast-southwest direction, but is referred to as an east-west street for the purposes of this document, as are streets running parallel to Market Street including Harrison and Lansing streets. Essex, First, and Fremont streets are oriented in a northwest-southeast direction (perpendicular to Market Street), but are referred to as north-south streets in this document. This convention is used to describe the locations of other buildings and uses in relation to the project site.

## PROJECT DESCRIPTION (CONTINUED)

The proposed project would include the demolition of the existing 1,590-square-foot automobile service station and construction of a mixed-use residential building that includes approximately 136,387 gross square feet (gsf) of habitable space, 75,271 square feet of residential amenities, parking, storage, service, circulation, and utilities space, and approximately 328 square feet (sf) of retail space. The proposed building would be 14 stories, with 134-foot-tall frontages on Lansing, First, and Harrison streets. The proposed building would include rooftop mechanical equipment, solar panels, condensers, a recreation area, and an elevator penthouse on the roof. The proposed building would measure up to 151.5 feet tall at its highest point, which is at the top of the elevator penthouse.

The proposed project would include up to 180 residential dwelling units. Approximately 10,467 sf of common open space and 3,751 sf of private open space would be provided on levels B1, 1, and 7 through 13, for a total of 14,218 square feet of open space. The proposed project would also include 120 Class 1 bicycle parking spaces within a secured room, on level B1, and at least 11 Class 2 bicycle parking spaces in publicly-accessible bicycle racks, as well as up to 92 vehicle parking spaces in a three-level underground parking garage that would be accessed from a new 20-foot-wide curb cut on First Street. Five existing curbs cuts on Harrison, First and Lansing streets would be removed.

The project sponsor anticipates that construction would last about 20 months. Construction of the proposed project would require demolition of the existing 1,590-square-foot automobile service station building, excavation to a depth of at least 40 feet below the ground surface (bgs) would be required for the mat foundation, and underground parking levels. If the final foundation design includes piles or piers to support the mat foundation deeper excavation would be required in limited areas to facilitate pile or pier placement. Excavation activities would result in the removal of about 26,000 cubic yards of soil.

## PROJECT APPROVALS

### Actions by the Planning Commission

- Conditional Use Authorization for conversion of an automobile service station to a mixed-use residential development.
- A Downtown Project Authorization from the Planning Commission pursuant to Planning Code Section 309.1 for a project that is greater than 50,000 gross square feet in area and above 85 feet in height, and with exceptions to the exposure and residential open space requirements of Planning Code Sections 140 and 827.49, respectively.

### Actions by City Departments

- Approval of a site permit (Planning Department and Department of Building Inspection).
- Approval of demolition, grading, and building permits (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 53-foot commercial loading space through San Francisco Municipal Transportation Agency's Color Curb program.

The Downtown Project Authorization from the Planning Commission pursuant to Planning Code Section 309.1 is considered the project Approval Action for the purpose of establishing 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 390 First Street project described above, and incorporates by reference information contained in the Programmatic EIR for the *Rincon Hill Plan* (*Rincon Hill Plan PEIR* or *PEIR*).<sup>2</sup> 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 *Rincon Hill Plan PEIR*.

On May 5, 2005, the Planning Commission certified the *Rincon Hill Plan PEIR*. The *Rincon Hill Plan PEIR* analyzed amendments to the Planning Code and Zoning Maps and to the Rincon Hill Area Plan, an element of the San Francisco General Plan. The EIR analysis was based on assumed development and activity that was anticipated to occur under the *Rincon Hill Plan*, including a number of sites specifically identified for high-rise residential development.

The proposed 390 First Street project is in conformance with the height, use, and density for the site described in the *Rincon Hill Plan PEIR* and would represent a small part of the growth that was forecast for the *Rincon Hill Plan PEIR* area. Thus, the plan analyzed in the *Rincon Hill Plan PEIR* considered the

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<sup>2</sup> San Francisco Planning Department, *Rincon Hill Plan* Final Environmental Impact Report (*FEIR*), Planning Department Case No. 2000.1081E, State Clearinghouse No. 1984061912, certified May 5, 2005. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 11, 2015.

incremental impacts of the proposed 390 First Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the *Rincon Hill Plan PEIR*.

Subsequent to the certification of the PEIR, in August 2005, the Board of Supervisors approved, and the mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the final "Preferred Option" analyzed in the *Rincon Hill Plan PEIR*.

The legislation created the Rincon Hill Downtown Residential Mixed Use (RH-DTR) District, which covers most of the area bounded approximately by Folsom Street, Steuart Street, the Embarcadero, Bryant Street, Beale Street, the Bay Bridge west approach, and the Fremont Street off-ramp from the bridge. The legislation increased height limits within this area; amended the Rincon Hill Area Plan within the General Plan; imposed community improvement impact fees to fund open space, pedestrian and streetscape improvements, traffic calming, and a community center and library; and created a South of Market community stabilization fund to offset potential economic impacts, including effects related to affordable housing, economic and community development, and community cohesion.

Individual projects that could occur in the future under the *Rincon Hill Plan PEIR* 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 390 First Street is consistent with and was encompassed within the analysis in the *Rincon Hill Plan PEIR*. This determination also finds that the *Rincon Hill Plan PEIR* adequately anticipated and described the impacts of the proposed 390 First Street project, and identified the mitigation measures applicable to the 390 First Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>34</sup> Therefore, no further CEQA evaluation for the 390 First Street project is required. Overall, the *Rincon Hill Plan 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 vicinity includes a mix of residential, retail/commercial, office, and institutional uses. The area is well served by transit, with several local and regional transit providers offering service with stops in close proximity to the project site.

The project site is on the northwest corner of the intersection of First and Harrison streets, adjacent to an Interstate 80 (I-80) approach to the San Francisco Bay Bridge. For the past several years the *Rincon Hill Plan* area and its environs have been undergoing a transformation from an area of predominantly low- and mid-rise industrial buildings to a mixed-use area that includes high-density, high-rise residential buildings and mid-rise office buildings.

To the immediate west of the project site is 45 Lansing Street a 400-foot-tall residential tower which includes 320 residential units. Further west is 81 Lansing Street, a four-story, 50-foot-tall residential

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<sup>3</sup>Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, *Citywide Planning and Policy Analysis*, Case No. 2014.1041E, 390 1st Street, February 9, 2016.

<sup>4</sup>Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination*, *Current Planning Analysis*, Case No. 2014.1041E, 390 1st Street, February 11, 2016.

building with 33 residential units and a small ground-floor commercial space. On the north side of Lansing Street at 50 Lansing Street is an eight-story residential building with 82 units, and at 18 Lansing is a four-story industrial/commercial building (constructed in 1928) that was converted to 28 live/work units in the 1990s.

The Sailors' Union of the Pacific (450 Harrison Street) is located on the northeast corner of Harrison and First streets; this building is comprised of a five-story central monumental pavilion and two smaller (three-story) flanking wings. The Sailors' Union was designed by architect William G. Merchant in the streamline moderne style and was constructed in 1950, this building is a Category A known historic resource. On the southeast corner of the intersection of First and Harrison streets is 425 First Street (One Rincon Hill), primarily consisting of two high-rise (approximately 450- and 400-foot-high) residential towers containing a total of more than 700 dwelling units. A 250-foot residential tower was recently approved at 525 Harrison Street, located on the southeast corner of Harrison and Essex streets (See Figure 2).

The project site is within one-half mile of a number of San Francisco Municipal Transit Authority bus lines; including the 5 Fulton, 5R Fulton Rapid, 10 Townsend, 12 Folsom/Pacific, 25 Treasure Island, 38 Geary, 38R Geary Rapid, and 41 Union.

## POTENTIAL ENVIRONMENTAL EFFECTS

The *Rincon Hill Plan PEIR* analyzed environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement.

The proposed 390 First Street project is in conformance with the height, use and density for the site described in the *Rincon Hill Plan PEIR* and would represent a small part of the growth that was forecast for the area covered by the *Rincon Hill Plan*. Thus, the plan analyzed in the *Rincon Hill Plan PEIR* considered the incremental impacts of the proposed 390 First Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the *Rincon Hill Plan PEIR*.

The *Rincon Hill Plan PEIR* identified significant impacts related to construction noise, air quality, wind, hazardous materials, historical resources, archeology, and transportation. Mitigation measures were identified for these impacts and reduced all of these impacts to less-than-significant levels, except for those related to transportation (program-level traffic impacts at three intersections and cumulative impacts at two intersections) and historical resources (program-level and cumulative impacts from demolition of three buildings identified as historic architectural resources).

As discussed in the Community Plan Exemption (CPE) Checklist for this project, the per capita vehicle miles traveled (VMT) for both residential and retail land uses within traffic analysis zone that the project site is located in (TAZ 732) is more than 15 percent below the regional average. As such, the proposed project would not result in significant traffic impacts that were not identified in the *Rincon Hill Plan PEIR*.

Implementation of the proposed project would not involve the demolition of a building that was determined to be a historic resource.<sup>5</sup> As a result, the proposed project would not result in a significant impact on historic resources.

The *Rincon Hill Plan PEIR* identified feasible mitigation measures to address significant impacts related to construction noise, air quality, wind, hazardous materials, historical resources, archeology, and transportation. **Table 1** lists the mitigation measures identified in the *Rincon Hill Plan PEIR* and states whether each measure would apply to the proposed project.

**Table 1 – Rincon Hill Plan PEIR Mitigation Measures**

| Mitigation Measure                                | Applicability   | Compliance  |
|---|---|---|
| <b>Noise (from Initial Study)</b>                 |   |   |
| 1: Construction Noise (Pile Driving)              | Applicable: the proposed project could involve pile driving.  | Project Mitigation Measure 2, Construction Noise implements Mitigation Measure 1.                           |
| <b>C. Transportation, Circulation and Parking</b> |   |   |
| C.1a: Beale Street/Folsom Street Intersection     | Not Applicable: plan level mitigation by SFMTA.   | N/A   |
| C.1b: Main Street/Folsom Street Intersection      | Not Applicable: plan level mitigation by SFMTA.   | N/A   |
| C.1c: Spear Street/Folsom Street Intersection     | Not Applicable: plan level mitigation by SFMTA.   | N/A   |
| C.2:  | Applicable: the proposed project included construction of a new mixed use residential building.   | Project Improvement Measure TR-5: Construction Management implements Mitigation Measure C.2                 |
| <b>E. Air Quality</b>                             |   |   |
| E.1: Construction Air Quality                     | Not Applicable: subsequent to the certification of the <i>Rincon Hill Plan PEIR</i> the Construction Dust Control Ordinance was adopted, which supersedes the first part of Mitigation Measure E.1.<br><br>Applicable: the second part of Mitigation Measure E.1 is | Project Mitigation Measure 3, Construction Air Quality implements the second part of Mitigation Measure E.1 |

<sup>5</sup> Cisneros, Stephanie, San Francisco Planning Department. *Preservation Team Review form for the 390 1st Street*. August 27, 2015.

| Mitigation Measure   | Applicability  | Compliance   |
|--|--|--|
|  | applicable.  |  |
| E.2: Operational Air Quality   | Not Applicable: plan level mitigation by San Francisco Planning Department.                        | Although this mitigation measure is not directly applicable to the proposed project, TDM measures have been included to reduce drive alone trips. See Project Improvement Measure TR-1.  |
| <b>G. Wind</b>   |  |  |
| G.1: Planning Code controls for the Rincon Hill Downtown Residential Mixed-Use (DTR) District.   | Not Applicable: plan level mitigation by San Francisco Planning Department.                        | N/A  |
| <b>H. Hazardous Materials</b>  |  |  |
| H.1: Environmental Site Assessment for sites not covered by the Maher Ordinance.   | Not Applicable: mitigation measure superseded by Article 22A of the Public Health Code.            | Project sponsor has submitted Maher application to Department of Public Health pursuant to Public Health Code Article 22A.   |
| H.2: Any groundwater pumped shall be subject to the requirements of the City's Industrial Waste Ordinance regarding proper treatment (if necessary) and disposal into the combined sewer system.                           | Not Applicable: mitigation measure superseded by federal, state and local regulatory requirements. | N/A  |
| <b>I. Historical Resources</b>   |  |  |
| <b>Archaeological Resources</b>  |  |  |
| I.1a. Projects Located in Archeological Mitigation Zone 1 (AMZ-1) for which a final archaeological research design and treatment plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department. | Applicable: The project site is located within Archeological Mitigation Zone 1 (AMZ-1).            | <b>Completed:</b> The Planning Department has conducted a Preliminary Archeological Review. The project sponsor has agreed to implement a mitigation measure related to archeological monitoring (see Project Mitigation Measure 1). |
| I.1b. Projects Located in Archeological Mitigation Zone 2 (AMZ-2) for which the archaeological documentation is  | Not Applicable: The project site is located within Archeological Mitigation Zone 1 (AMZ-1).        | N/A  |

| Mitigation Measure   | Applicability   | Compliance |
|--|---|------------|
| incomplete or inadequate to serve as an evaluation of potential effects on archaeological resources under CEQA.  |   |            |
| I.1c. Projects Located in Archaeological Mitigation Zone 2 (AMZ-2) for which it is believed there are no significant archaeological resources, or that those resources have been significantly disturbed, or that those resources have been investigated and those resources with significant research value removed and curated as the result of an archaeological data recovery program. | Not Applicable: The project site is located within Archeological Mitigation Zone 1 (AMZ-1).                       | N/A        |
| <b>Historic Architectural Resources</b>  |   |            |
| 1.2a: Preparation of Historic American Building Survey (HABS) for the Union Oil Company Building (425 First Street) prior to its demolition.   | Not Applicable: Mitigation Measure 1.2a applies only to the Union Oil Company Building at 425 First Street.       | N/A        |
| I.2b: Preparation of Historic American Building Survey (HABS) for the Edwin W. Tucker & Co. Building (347 Fremont Street) prior to its demolition.   | Not Applicable: Mitigation Measure 1.2b applies only to the Edwin W. Tucker & Co. Building at 347 Fremont Street. | N/A        |
| I.2c: Preparation of Historic American Building Survey (HABS) for the 375 Fremont Street Building prior to its demolition.   | Not Applicable: Mitigation Measure 1.2c applies only to the 75 Fremont Street Building.                           | N/A        |
| I.2d: To partially offset the loss of any other buildings identified during project-specific review as historical resources under CEQA, the project sponsor of the project under review shall, at a minimum, ensure that a complete survey, to the standards of the Historic American Building Survey  | Not Applicable: the existing building at 390 First Street is not a historical resource under CEQA.                | N/A        |



| Mitigation Measure                                 | Applicability | Compliance |
|--|---------------|------------|
| (HABS), is undertaken prior to demolition, if any. |               |            |

Please see the attached Mitigation Monitoring and Reporting Program 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 *Rincon Hill Plan PEIR*.

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on November 3, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Several inquiries were received from the public related to the type of environmental review document that would be prepared and the overall timing of the environmental review process, including the status of various background studies. Public comment was received related to increased traffic, the project driveway location, loading noise and the location of the project's loading area(s), safety impacts to pedestrians and bicyclists, and the type of retail proposed. All of these comments have been addressed within the attached CPE Checklist.

## CONCLUSION

As summarized above and further discussed in the attached CPE Checklist:<sup>6</sup>

1. The proposed project is consistent with the development density established for the project site in the *Rincon Hill Plan*;
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 *Rincon Hill Plan PEIR*;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the *Rincon Hill Plan 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 *Rincon Hill Plan 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 *Rincon Hill Plan 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.

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<sup>6</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.1041E.

