



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2014.1315E
 Project Address: 135 Townsend Street
 Zoning: MUO (Mixed Use Office) District
 105-F Height and Bulk District
 Block/Lot: 3794/022
 Lot Size: 11,578 square feet
 Plan Area: Eastern Neighborhoods (East SoMa)
 Project Sponsor: John Kevlin – Reuben, Junius & Rose
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PROJECT DESCRIPTION

The project site is on the south side of Townsend Street between 2nd and 3rd streets in the South of Market neighborhood. The project site is occupied by a 70-foot-tall, five-story industrial building that was constructed in 1911. The current use of the existing building is retail self-storage. The proposed project consists of converting the retail self-storage use to approximately 49,995 gross square feet (gsf) of office use on the first through fifth floors and approximately 1,395 gsf of retail use on the ground floor. The proposed alterations to the existing building include interior tenant improvements, in-kind replacements of the exterior windows, and a new storefront on the ground-floor. There would be no automobile

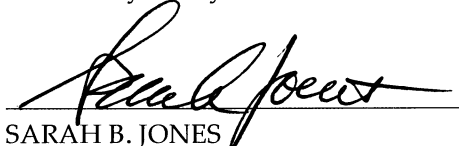
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EXEMPT STATUS

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

November 9, 2015
 Date

cc: John Kevlin, Project Sponsor
 Rich Sucre, Current Planning Division
 Supervisor Jane Kim, District 6

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

PROJECT DESCRIPTION (continued)

parking spaces, and the existing 30-foot-wide curb cut on Townsend Street would be removed. The proposed project would include 28 Class 1 bicycle spaces in a secure storage room on the ground floor and four Class 2 bicycle spaces that would be located on the Townsend Street sidewalk in front of the project site. Usable open space for the tenants of the building would be provided in the form of an approximately 2,495-square-foot (sf) roof deck. Access to the roof deck would be provided by new stairs and two new elevators. The new 11-foot-tall stair penthouse would be set back about 21 feet from the rear façade of the building, while the new 17-foot-tall elevator penthouse would be set back about 23 feet from the front façade of the building. During the approximately six-month project construction, the proposed project would require excavation to a depth of five feet below ground surface and the removal of approximately 79 cubic yards of soil. New grade beams would be added between some of the existing footings to reinforce the existing shallow building foundation, which consists of a mat slab with spread footings.

PROJECT APPROVAL

The proposed project would require the following approvals:

- **Section 321 Project Authorization** (*Planning Commission*)
- **Certificate of Appropriateness** (*Historic Preservation Commission*)
- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)

Section 321 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 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 135 Townsend 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 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 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 No. 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 adopted and the Mayor signed the Planning Code amendments related to the Eastern Neighborhoods Rezoning and Area Plans. 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 that 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 Rezoning and Area Plans could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net nonresidential space (excluding PDR loss) being built in the Plan Area throughout the lifetime of the Plan (year 2025).

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*.

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

² San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed May 5, 2015.

³ San Francisco Planning Commission Motion No. 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed May 5, 2015.

As a result of the Eastern Neighborhoods rezoning process, the project site's zoning has been reclassified from M-2 (Heavy Industrial) to MUO (Mixed Use-Office). The MUO District is designed to encourage office, residential, and small-scale light industrial uses as well as arts activities. Nighttime entertainment and small tourist hotels are permitted with conditional use authorization from the Planning Commission, as are large tourist hotels in certain height and bulk districts within the MUO District. 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 Topic 1, Land Use and Land Use Planning. The 135 Townsend Street site, which is located in the East SoMa Plan Area of the Eastern Neighborhoods program, was designated as a 105-F Height and Bulk District. This designation allows a building up to 105 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 135 Townsend 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 135 Townsend Street project and identifies the mitigation measures applicable to the 135 Townsend 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 135 Townsend 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 vicinity is characterized by a mix of residential, retail, office, open space, and PDR uses as well as parking garages and surface parking lots. The scale of development in the project vicinity varies in height from 15 to 150 feet. On the project block, there are multi-story, mixed-use buildings fronting Townsend, Second, and King streets that contain upper-story residential or office uses over ground-floor retail uses; the buildings fronting Third Street are all one-story buildings that contain retail uses. There is a restaurant and a parking garage on the north side of Townsend Street across from the project site. Lucky Strike, a bowling alley, is one block southwest of the project site, and AT&T Park, an outdoor stadium that is the home of Major League Baseball's San Francisco Giants, is one block southeast of the project site. Open spaces near the project site include South Park (0.2 mile northwest of the project site), South Beach Park and the Embarcadero Promenade (0.2 mile northeast), and the San Francisco Bay Trail (0.2 mile east).

The project site is well served by public transportation. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following bus lines: the 8 Bayshore, 8AX Bayshore A Express, 8BX Bayshore B Express, 10 Townsend, 12 Folsom/Pacific, 30 Stockton,

⁴ Sue Exline, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, Case No. 2014.1315E, 135 Townsend Street*, October 14, 2015.

⁵ Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, Case No. 2014.1315E, 135 Townsend Street*, October 22, 2015.

45 Union/Stockton, 81X Caltrain Express, and the 82X Levi Plaza Express. Muni also operates the N Judah and KT Ingleside/Third Street light rail lines along King Street. There is a Caltrain station at Fourth and King streets, which is about 0.3 mile southwest of the project site. Caltrain is a commuter train that serves the San Francisco Peninsula and the South Bay seven days a week. There is a bike lane that runs in front of the project site along Townsend 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 135 Townsend 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 135 Townsend 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 contribute to the land use impact, because it would not remove any existing PDR uses or make a considerable contribution to the loss of PDR development opportunities. The proposed project would not contribute to the impact on historic architectural resources, because it would not result in the demolition of any such resources. In addition, the Planning Department has determined that the proposed alterations would be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation). The volume of traffic and transit ridership generated by the proposed project would not contribute considerably to the traffic and 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** 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 |
|-------------------------------------|--|------------|
| E. Transportation | | |
| E-1: Traffic Signal Installation | Not Applicable: plan level mitigation by the San Francisco Municipal Transportation Agency (SFMTA) | N/A |
| E-2: Intelligent Traffic Management | Not Applicable: plan level | N/A |

| Mitigation Measure | Applicability | Compliance |
|--|--|------------|
| | mitigation by SFMTA | |
| E-3: Enhanced Funding | Not Applicable: plan level mitigation by SFMTA & the San Francisco County Transportation Authority (SFCTA) | N/A |
| E-4: Intelligent Traffic Management | Not Applicable: plan level mitigation by SFMTA & the San Francisco Planning Department | 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 and SFCTA | 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 |
| F. Noise | | |
| F-1: Construction Noise (Pile Driving) | Not Applicable: pile driving is not required or proposed | N/A |
| F-2: Construction Noise | Not Applicable: the use of heavy construction equipment is not required | N/A |
| F-3: Interior Noise Levels | Not Applicable: project does not include noise-sensitive uses | N/A |
| F-4: Siting of Noise-Sensitive Uses | Not Applicable: project does not include noise-sensitive uses | N/A |
| F-5: Siting of Noise-Generating Uses | Not Applicable: project does not include noise-generating | N/A |

| Mitigation Measure | Applicability | Compliance |
|--|---|------------|
| | uses | |
| F-6: Open Space in Noisy Environments | Not Applicable: project does not include open space for noise-sensitive uses | N/A |
| G. Air Quality | | |
| G-1: Construction Air Quality | Not Applicable: project site is not in an area of poor air quality; superseded by Construction Dust Control Ordinance | N/A |
| G-2: Air Quality for Sensitive Land Uses | Not Applicable: project does not include sensitive uses | N/A |
| G-3: Siting of Uses that Emit DPM | Not Applicable: project does not include uses that emit DPM | N/A |
| G-4: Siting of Uses that Emit other TACs | Not Applicable: project does not include uses that emit TACs | N/A |
| J. Archeological Resources | | |
| J-1: Properties with Previous Studies | Not Applicable: project site is not in an area for which a previous archeological study has been conducted | N/A |
| J-2: Properties with no Previous Studies | Not Applicable: project would require minimal excavation which would only disturb fill. | N/A |
| J-3: Mission Dolores Archeological District | Not Applicable: project site is not in the 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 | Not Applicable: plan-level mitigation completed by | N/A |

| Mitigation Measure | Applicability | Compliance |
|---|---|---|
| Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront) | Planning Commission | |
| L. Hazardous Materials | | |
| L-1: Hazardous Building Materials | Applicable: project includes 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 demolishing the existing building (see Project Mitigation Measure 1). |

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measure. With implementation of the mitigation measure 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 March 24, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments received from the public include the following: the existing bike lane along Townsend Street is dangerous; the proposed project needs to include off-street parking; and the proposed bicycle spaces on Townsend Street would take away room from pedestrians adding to congestion and obstructing visibility to pedestrian and bicyclists.

As discussed in the Transportation and Circulation section of the attached CPE Checklist, the amount of new vehicle trips generated by the proposed land uses would not substantially increase traffic volumes in the project vicinity such that hazardous conditions or significant delays would be created. The proposed project would improve pedestrian circulation by removing the existing 30-foot-wide curb cut on Townsend Street and by not providing off-street parking spaces at the project site. The new pedestrian trips that would be generated by the proposed project could be accommodated on existing sidewalks and crosswalks adjacent to the project site. Although the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this increase would not be substantial enough to create potentially hazardous conditions for pedestrian or otherwise substantially interfere with pedestrian accessibility to the site and adjacent areas. In addition, the project site was not identified as being in a high-injury corridor as defined by Vision Zero, which is the City’s adopted road safety policy that aims for zero traffic deaths in San Francisco by 2024.

As discussed in the Aesthetics and Parking Impacts for Transit Priority Infill Development section of the attached CPE Checklist, Public Resources Code Section 21099(d) amended CEQA by stating that parking impacts of an employment center on an infill site located within a transit priority area, such as this project, shall not be considered a significant impact on the environment. The project site is located in the

MUO zoning district where under Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking spaces. In addition, the project site is well-served by transit lines. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following bus lines: the 8 Bayshore, 8AX Bayshore A Express, 8BX Bayshore B Express, 10 Townsend, 12 Folsom/Pacific, 30 Stockton, 45 Union/Stockton, 81X Caltrain Express, and the 82X Levi Plaza Express. Muni also operates the N Judah and KT Ingleside/Third Street light rail lines along King Street. The proposed project would not result in a substantial parking shortfall that would create hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.

Other non-environmental comments submitted include how impact fees are calculated, general project opposition and requests to receive future project updates. These comments have been noted in the project record, but do not pertain to CEQA environmental review topics. 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 attached CPE Checklist:

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

**Attachment A:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation Measures)**

| MEASURES ADOPTED AS CONDITIONS OF APPROVAL | Responsibility for Implementation | Schedule | Monitoring/Report Responsibility | Status/Date Completed |
|---|-----------------------------------|--------------------------------------|---|--|
| MITIGATION MEASURES FROM THE EASTERN NEIGHBORHOODS AREA PLAN EIR | | | | |
| <p>Project Mitigation Measure 1 - Hazardous Building Materials (Mitigation Measure L-1 of the Eastern Neighborhoods PEIR). The project sponsor shall ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p> | Project sponsor/ contractor | Prior to demolition of structures | Project Sponsor/contractor shall submit a monitoring report to the Department of Public Health and Planning. | Considered complete upon receipt of final monitoring report. |