



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2011.0671E  
 Project Address: 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue  
 Zoning: Lot 11: Production, Distribution and Repair-1-General (PDR-1-G) Use District;  
 40-X Height and Bulk District  
 Lot 13: Urban Mixed Use (UMU) Use District;  
 40-X Height and Bulk District  
 Block/Lot: 4167/11 and 13  
 Lot Size: 119,885 square feet  
 Plan Area: Showplace Square/Potrero Subarea of Eastern Neighborhoods Area Plan  
 Project Sponsor: Redmond Lyons, RMTX22, LLC, (415) 550-9551  
 Staff Contact: Tania Sheyner, (415) 575-9127, Tania.Sheyner@sfgov.org

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

Reception:  
 415.558.6378

Fax:  
 415.558.6409

Planning  
 Information:  
 415.558.6377

### PROJECT DESCRIPTION

The project site consists of two irregularly shaped parcels in the City's Potrero Hill neighborhood, and has frontages along both Pennsylvania Avenue and 22<sup>nd</sup> Street. The eastern portion of the site is currently occupied by approximately 74,500 square feet of temporary storage containers and a mobile office structure, while the western portion of the site is an undeveloped uphill slope. No permanent buildings exist on the project site.

The project sponsor proposes to remove all temporary structures on the site and construct a mixed-use residential project that would include 251 dwelling units, approximately 47,800 square feet of production, distribution, and repair (PDR) space, 225 parking spaces, and approximately 32,200 square feet of common open space in two buildings – one residential and one PDR.

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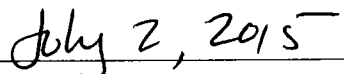
### EXEMPT STATUS

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

  
 Date

cc: Redmond Lyons, Project Sponsor; Supervisor Malia Cohen, District 10; Rich Sucre, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

The new residential building would front 22<sup>nd</sup> Street and would consist of two building volumes built over a shared podium, one four stories tall (consisting of approximately 58,620 gross square feet of space) and one eight stories tall (consisting of approximately 187,684 gross square feet of space). The four-story volume would be 40 feet tall and would be developed on the flat portion of the project site. The eight-story volume would also be 40 feet tall, but would step up along the sloped portion of the site and, therefore, would extend above the four-story building (its height would be consistent with the height district as measured in accordance with the building height methodology contained in Section 102.12 of the *Planning Code*). The PDR building would front Pennsylvania Avenue and would be three stories in height.

The project would provide a basement and ground-floor garage that would span both lots. Ingress and egress to the combined parking garage would be provided via an entrance from Texas Street and an entrance and exit driveway to Pennsylvania Avenue. Proposed open space would be provided within an interior courtyard, a rooftop terrace and private balconies and decks. The project sponsor would also set aside an additional approximately 6,300 square feet of outdoor space along the north side of the property to be developed into a new public stairway that would connect 22<sup>nd</sup> Street below to Missouri Street above.

## PROJECT APPROVAL

The project would require a Large Project Authorization per Planning Code Section 329 (Planning Commission). As part of the Large Project Authorization, the project sponsor would seek a modification to the requirements for rear yard (Planning Code Section 134), dwelling unit exposure (Planning Code Section 140) and off-street parking (Planning Code Section 151.1). The project would also require approval of a site permit, demolition permit and building permit (Department of Building Inspection); approval of a stormwater control plan (San Francisco Public Utilities Commission); approval of project compliance with the Stormwater Control Guidelines (Department of Public Works); and approval of a two-lot merger (Department of Public Works). Approval of the Planning Code Section 329 application by the Planning Commission would constitute the Approval Action date. 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 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</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 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 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 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue.

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.<sup>2,3</sup>

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 the Preferred Project would result in approximately 9,785 dwelling units built in the Plan Area throughout the lifetime of the Plan (year 2025). However, the Eastern Neighborhoods PEIR analyzed a range of potential rezoning options and considered the effects of up to an additional 9,858 units in the Plan Area.

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.

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1 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 (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.

As a result of the Eastern Neighborhoods rezoning process, Lot 11 of the project site has been rezoned to PDR-1-G (Production, Distribution and Repair-1-General) Use District while Lot 13 of 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 PDR-1-G District is intended to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this district prohibits residential and office uses and limits retail and institutional uses. 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 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue site, which is located in the Potrero Hill area of the Eastern Neighborhoods, was designated as a site with buildings 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 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue 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 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue project, and identified the mitigation measures applicable to the 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>4,5</sup> Therefore, no further CEQA evaluation for the 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue 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 comprises a portion of an irregularly shaped block that lies between Sierra and 22nd Streets to the north, Pennsylvania Avenue to the east, 25th Street to the south, and Turner Terrace and Missouri Street to the west, in San Francisco's Potrero Hill neighborhood. To the north, the project site is bordered by a six-level mixed-use building (residential with ground-floor commercial uses) along Texas Street, and to the south, it is bordered by the same storage uses that exist on the site. To the west, the project site is bordered by the Potrero Terrace and Potrero Annex housing developments, which total 606 existing housing units.<sup>6</sup> A proposed 94-unit residential project at 645 Texas Street across 22nd Street to the north from the project site was recently approved and is expected to be operational by the time the

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4 Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 1395 22<sup>nd</sup> Street/790 Pennsylvania Avenue, September 3, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.0671E.

5 Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 790 Pennsylvania Avenue (1395 22<sup>nd</sup> Street), February 23, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.0671E.

6 These housing developments are subjects of the Potrero HOPE SF Master Plan, which proposes to replace every housing unit, provide homes for current residents, and add new housing at different income levels, for a total of 1,400-1,700 units of mixed-income, mixed-tenure housing, as well as neighborhood serving retail, community facilities, parks and open space, and a new street network. The Potrero HOPE SF Master Plan is currently undergoing environmental review (Planning Department Case No. 2010.0515E).

proposed project is constructed (the site currently contains industrial, institutional and office uses). Other uses in the project vicinity (within an approximately one block radius) are generally residential uses to the north and west, and light industrial/PDR uses to the south and east.

Parcels north of the project site are zoned Mixed Use-Residential (MUR) and Residential House, Two Family (RH-2) and provide a number of single-family homes, two-unit residential structures, and multi-family developments. Parcels to the east of the project site are zoned PDR-1-G and Public (P) and consist of commercial, live/work, and mixed use buildings. Parcels west of the project site are zoned Residential-Mixed, Moderate Density (RM-2) and consist of the Potrero Terrace and Potrero Annex housing developments described above. Parcels to the south of the project site are zoned PDR and include a variety of industrial uses, including a dog grooming facility and wood flooring warehouse.

## 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 1395 22nd Street/790 Pennsylvania Avenue 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 1395 22nd Street/790 Pennsylvania Avenue 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 significant and unavoidable land use impacts from the loss of PDR uses because the project would be developed on lot containing storage containers, which is not a PDR use. Moreover, it would add approximately 47,800 sf of PDR uses to the site. In regards to significant and unavoidable transportation impacts related to traffic and transit, project-generated vehicle and transit trips would not contribute considerably to significant and unavoidable cumulative traffic and transit impacts identified in the EN EIR and would not result in a substantial portion of the overall additional traffic and transit volume anticipated to be generated by Plan Area projects. The proposed project would not contribute to significant and unavoidable historic architectural resources impacts since the proposed project would not involve the demolition of a historic resource and would not cause a significant adverse impact upon any nearby historic resources. The proposed project would not contribute to significant and unavoidable shadow impacts since the proposed project would not result in new shadow on any nearby parks.

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**

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed.	N/A
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment.	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Not Applicable: mitigation measure applies to single-family housing projects, whereas the proposed project is a multi-family project.	N/A
F-4: Siting of Noise-Sensitive Uses	Applicable: project includes noise-sensitive uses.	The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-5: Siting of Noise-Generating Uses	Applicable: project includes noise-generating uses.	The project sponsor has conducted and submitted a detailed analysis demonstrating that PDR-related noise impacts would be less than significant.
F-6: Open Space in Noisy Environments	Applicable: project includes open space in a noisy environment and proposes noise-sensitive uses.	The project sponsor has conducted and submitted a detailed analysis of proposed measures to reduce noise on the proposed roof terrace.
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Applicable: project located in identified Air Pollutant Exposure Zone.	The project sponsor has agreed to implement a Construction Emissions Minimization Plan.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: project would add new sensitive receptors near sources of TACs; however, regulations and procedures set	N/A

Mitigation Measure	Applicability	Compliance
	forth by Health Code, Article 38 supersede provisions of this mitigation measure.	
G-3: Siting of Uses that Emit DPM	Applicable: project would include PDR uses that could potentially emit DPM.	The project sponsor would be precluded from siting certain DPM-emitting uses on the project site.
G-4: Siting of Uses that Emit other TACs	Applicable: project would include PDR uses that could potentially emit substantial amounts of TACs.	Project sponsor has agreed to conduct further analysis (in the form of an HRA) once a PDR use is identified for the site.
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: project site is not located within this mitigation zone.	N/A
J-2: Properties with no Previous Studies	Applicable: the project site is a property with no previous archeological study.	The project underwent a preliminary archeology review and the Planning Department's archeologist determined that the proposed project would have no effect on the archeological resources.
J-3: Mission Dolores Archeological District	Not Applicable: project site not located within this mitigation zone.	N/A
<b>K. Historical Resources</b>		
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

Mitigation Measure	Applicability	Compliance
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Not Applicable: project site does not contain permanent buildings that could contain hazardous building materials.	N/A
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: plan-level mitigation by San Francisco Municipal Transportation Agency (SFMTA)	N/A
E-2: Intelligent Traffic Management	Not Applicable: plan-level mitigation by SFMTA	N/A
E-3: Enhanced Funding	Not Applicable: plan-level mitigation by SFMTA & San Francisco County Transportation Authority (SFTA)	N/A
E-4: Intelligent Traffic Management	Not Applicable: plan-level mitigation by SFMTA & 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	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 March 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. Environmental concerns regarding the proposed project that were expressed in public comments include: the potential for vehicular hazards and congestion posed by the proposed ingress at 22nd/Texas Streets and potential for vehicle/pedestrian conflicts at that intersection; additional vehicular traffic and parking demand associated with the proposed uses; air pollution from asbestos in the soil; noise from construction activities; and pressure on recreational facilities in the project vicinity. In addition, one individual expressed concerns regarding the height, bulk, and density of the proposed project and several individuals requested to either view the plans or to receive the completed CPE. 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 Checklist:<sup>7</sup>

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.

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<sup>7</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2011.0671E.