



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2012.1187E  
 Project Address: 501- 505 Brannan Street  
 Zoning: Mixed-Use Office (MUO) Use District  
 85-X Height and Bulk District  
 Block/Lot: 3786/038  
 Lot Size: 39,035 square feet  
 Plan Area: Eastern Neighborhoods Area Plan  
 Project Sponsor: Amy Neches, TMG Partners  
 (415) 400-2480  
 Staff Contact: Chelsea Fordham – (415) 575-9071  
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### PROJECT DESCRIPTION:

The proposed project would involve construction of a 153,117 square-foot (sf), 6-story, 85-foot tall, office building on a 39,035-sf parcel that is bounded by Brannan Street to the west, 4<sup>th</sup> Street to the north, Bluxome Street to the east, and 5<sup>th</sup> Street to the south, in San Francisco’s East South of Market (East SoMa) neighborhood. The project site is currently occupied by an existing 73-space, 25,590-sf surface parking lot and a single-story 8,475 sf bank building and drive-up banking facility (dba Bank of America). The project would subdivide the existing lot into two lots of 25,590 sf and 13,445 sf, respectively.

(Continued on next page.)

### EXEMPT STATUS:

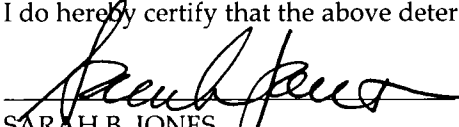
Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### REMARKS:

(See next page.)

### 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 20, 2014  
 Date

cc: Amy Neches, TMG Partners, Project Sponsor; Supervisor Jane Kim, District 6; Brittany Bendix, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

**PROJECT DESCRIPTION (continued):**

The bank building would remain in its current configuration and the driveway access for the drive-up banking facility would be moved from Brannan Street to Bluxome Street under the proposed project. Additionally, the drive-up banking facility's driveway exit along Fourth Street would remain in its current configuration. The proposed office building would be constructed on the 25,590 sf, southern portion of the lot that contains the existing surface parking lot. The height of proposed 153,117 sf office building would be 6-stories, 85 feet tall (excluding two 16-foot mechanical penthouses above the roof), and would also include a two-level, 23-foot-deep, below-grade parking garage. The below-grade garage would require the excavation of 21,700 cubic yards of soil. The garage would contain 66 off-street parking spaces and one off-street loading space that would be accessed from a 20-foot curb cut off of Bluxome Street. Additionally, the ground floor would contain 132 Class 1 bicycle parking spaces that would be accessed from Brannan Street. There would also be six Class 2 bicycle parking spaces installed on the sidewalk along the project site's Brannan Street frontage. The project would include a 674-sf ground-floor retail space accessed from Brannan Street. To meet open space requirements, the building would have a 2,137-sf publically accessible open space located at street level. The project site is located in the East SoMa Area Plan and the proposed Central SoMa Plan Area.

**Project Approval**

The project would require a Large Project Authorization per Section 329 of the Planning Code. The project would require other approvals including an Office Space Allocation per Planning Code Section 321 and a Conditional Use Authorization per Planning Code Section 303. 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 proposed 501-505 Brannan Street 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

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<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

studies were prepared for the proposed 501-505 Brannan Street project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 501-505 Brannan Street. The project related height and bulk increases on the project site are discussed further in the CPE Checklist.

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.

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 Mixed-Use Office (MUO) District. The MUO District is designed to encourage office uses and housing, as well as small-scale light industrial (PDR) and arts activities.

The proposed 501-505 Brannan Street 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

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<sup>2</sup> 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.

<sup>3</sup> 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.

501-505 Brannan Street site, which is located in the East SoMa Area Plan of the Eastern Neighborhoods, was designated as a site with building up to 85 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 501-505 Brannan Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 501-505 Brannan Street project, and identified the mitigation measures applicable to the 501-505 Brannan 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>4,5</sup> Therefore, no further CEQA evaluation for the 501-505 Brannan Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on a through lot that is bounded by Brannan Street to the west, 4<sup>th</sup> Street to the north, Bluxome Street to the east, and 5<sup>th</sup> Street to the south, in San Francisco's East South of Market (East SoMa) neighborhood. The immediate area around the project site is characterized by a mix of office, residential, and commercial uses. The surrounding area is characterized by buildings ranging in height from two to eight stories.

## 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 501-505 Brannan Street project is in conformance with the height, use and density for the project 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 501-505 Brannan 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 significant and unavoidable land use impacts from the

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<sup>4</sup> Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 505 Brannan Street*, March 24, 2014. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1187E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning, 505 Brannan Street*, November 7, 2014. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.1187E.

loss of PDR uses because the project would be developed on a surface parking lot, which is not a PDR use. 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 adjacent historic resources. The proposed project would not contribute to significant and unavoidable shadow impacts since the proposed project would not result in shadows 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**

Mitigation Measure	Applicability
<b>F. Noise</b>	
F-1: Construction Noise (Pile Driving)	Applicable: pile driving required for construction of the proposed project.
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment.
F-3: Interior Noise Levels	Not Applicable: project does not include noise-sensitive uses.
F-4: Siting of Noise-Sensitive Uses	Not Applicable: project does not include noise-sensitive uses.
F-5: Siting of Noise-Generating Uses	Applicable: project involves siting of generating uses.
F-6: Open Space in Noisy Environments	Not Applicable: project does not include noise-sensitive uses.
<b>G. Air Quality</b>	
G-1: Construction Air Quality	Applicable: project located in identified Air Pollutant Exposure Zone.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: project does not include sensitive uses.
G-3: Siting of Uses that Emit DPM	Applicable: project located in identified Air Pollutant Exposure Zone.
G-4: Siting of Uses that Emit other TACs	Applicable: project located in identified Air Pollutant Exposure Zone.

Mitigation Measure	Applicability
<b>J. Archeological Resources</b>	
J-1: Properties with Previous Studies	Not Applicable: project site is not located within this mitigation zone.
J-2: Properties with no Previous Studies	Applicable: project underwent a preliminary archeology review and subject to an archeological monitoring program (AMP) during construction of the project.
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located within this mitigation zone
<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
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission
<b>L. Hazardous Materials</b>	
L-1: Hazardous Building Materials	Not Applicable: project would not disturb hazardous building materials
<b>E. Transportation</b>	
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA

Mitigation Measure	Applicability
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA

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

## PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on March 11, 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. Comments received included concerns regarding the following: length of construction; infrastructure requirements; and traffic and parking impacts. There were also non-CEQA related comments, some of which are addressed in other stages of project review such as consideration of project approvals or building permit review. They include the following: requests for increased retail space along 4<sup>th</sup> Street. 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>6</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 or specific to the proposed 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;

<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. 2012.1187E.

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.