



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination COMMUNITY PLAN EVALUATION

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*Case No.:* 2013.0673E  
*Project Address:* 2420 3rd Street  
*Zoning:* UMU (Urban Mixed Use) District  
45-X Height and Bulk District  
*Block/Lot:* 4108/003F  
*Lot Size:* 2,000 square feet  
*Plan Area:* Eastern Neighborhoods (Central Waterfront)  
*Project Sponsor:* Nader Heydayian  
c/o Reza Khoshnevisan – SIA Consulting Corporation  
(415) 741-1292, [reza@siaconsult.com](mailto:reza@siaconsult.com)  
*Staff Contact:* Michael Li  
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### PROJECT DESCRIPTION

The project site is on the west side of 3rd Street between 20th and 22nd streets in San Francisco’s Potrero Hill neighborhood. The project site is currently vacant; it was previously occupied by a one-story commercial building that was demolished in 2007.

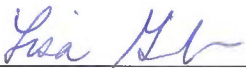
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### CEQA DETERMINATION

The project is eligible for streamlined environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3.

### DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
\_\_\_\_\_  
LISA GIBSON  
Environmental Review Officer

12/14/17  
\_\_\_\_\_  
Date

cc: Nader Heydayian, Project Sponsor  
Jonathan DiSalvo, Current Planning Division  
Stephanie Cisneros, Historic Preservation Planner  
Supervisor Malia Cohen, District 10

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

## PROJECT DESCRIPTION (continued)

The proposed project consists of constructing a four-story, 45-foot-tall building containing nine dwelling units and approximately 470 gross square feet (gsf) of ground-floor commercial space. There would be no automobile parking spaces, and the existing curb cut on 3rd Street would be removed. A total of 11 bicycle parking spaces would be provided; nine Class 1 spaces would be provided in a secure storage room on the ground floor, and two Class 2 spaces would be provided on the adjacent sidewalk along 3rd Street. Usable open space for the residents of the proposed project would be provided in the form of a 500-square-foot, ground-level rear yard.

Construction of the proposed project is expected to last 18 months. The proposed buildings would be supported by a mat slab foundation; pile driving would not be required. Construction of the proposed project would require excavation to a depth of two feet below ground surface and the removal of about 111 cubic yards of soil.

## PROJECT APPROVAL

Each of the five proposed buildings would require the following approvals:

- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)

The proposed project is subject to notification under Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the proposed project. If no discretionary review is requested, the issuance of the building permit by the Department of Building Inspection 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 EVALUATION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 2420 3rd 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 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.<sup>2,3</sup>

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.

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's zoning has been reclassified from M-2 (Heavy Industrial) to UMU (Urban Mixed Use). The UMU District is designed to promote a

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

<sup>2</sup> 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://sf-planning.org/area-plan-eirs>, accessed September 25, 2017.

<sup>3</sup> San Francisco Planning Commission Motion No. 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed September 25, 2017.

vibrant mix of uses while maintaining the characteristics of the area, which was formerly zoned for industrial uses. The UMU District is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU District, PDR, residential, retail, educational, and nighttime entertainment uses are permitted. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Evaluation (CPE) initial study checklist under topic 1, Land Use and Land Use Planning. The 2420 3rd Street site, which is located in the Central Waterfront Plan Area of the Eastern Neighborhoods program, was designated as a 45-X Height and Bulk District. This designation allows a building up to 45 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 2420 3rd 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 2420 3rd Street project and identifies the mitigation measures applicable to the 2420 3rd 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 2420 3rd Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA determination necessary for the proposed project.

## PROJECT SETTING

The project vicinity is characterized by a mix of residential, retail, office, open space, and production/distribution/repair (PDR) uses. The scale of development in the project vicinity varies in height from 15 to 50 feet. There is a two-story industrial building (2400 3rd Street) adjacent to and north of the project site, and there is a one-story industrial building (2430 3rd Street) adjacent to and south of the project site. The rear property line of the project site abuts a one-story industrial building (1025 Tennessee Street). The remainder of the project block is occupied by one- to four-story buildings containing residential, retail, PDR, and industrial uses.

There is a two-story mixed-use building containing office and retail uses on the east side of 3rd Street across from the project site. Other land uses in the area include Interstate 280 (0.2 mile west of the project site), Esprit Park (0.15 mile northwest), and UCSF's Mission Bay campus (0.4 mile north), the former Pier 70 shipyard (0.35 mile east), and the decommissioned Potrero Power Plant (0.1 mile southeast).

The project site is served by public transportation. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the 8BX Bayshore "B" Express, 14X Mission Express, 22 Fillmore, and 48 Quintara/24th Street bus lines and the KT Ingleside/Third Street light rail line.

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<sup>4</sup> San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, Case No. 2013.0673E, 2420 3rd Street*, November 16, 2017.

<sup>5</sup> San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Current Planning Analysis, Case No. 2013.0673E, 2420 3rd Street*, December 13, 2017.

**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 2420 3rd 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 2420 3rd 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, and it would not 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 or alteration of any such resources or be incompatible with the character of the historic district in which it is located. The volume of transit ridership generated by the proposed project would not contribute considerably to the 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 outdoor recreation facilities.

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
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: Automobile delay removed from CEQA analysis	Not Applicable
E-2: Intelligent Traffic Management	Not Applicable: Automobile delay removed from CEQA analysis	Not Applicable
E-3: Enhanced Funding	Not Applicable: Automobile delay removed from CEQA analysis	Not Applicable

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
E-4: Intelligent Traffic Management	Not Applicable: Automobile delay removed from CEQA analysis	Not Applicable
E-5: Enhanced Transit Funding	Not Applicable: Plan level mitigation by the San Francisco Municipal Transportation Agency (SFMTA)	Not Applicable
E-6: Transit Corridor Improvements	Not Applicable: Plan level mitigation by the SFMTA	Not Applicable
E-7: Transit Accessibility	Not Applicable: Plan level mitigation by the SFMTA	Not Applicable
E-8: Muni Storage and Maintenance	Not Applicable: Plan level mitigation by the SFMTA	Not Applicable
E-9: Rider Improvements	Not Applicable: Plan level mitigation by the SFMTA	Not Applicable
E-10: Transit Enhancement	Not Applicable: Plan level mitigation by the SFMTA	Not Applicable
E-11: Transportation Demand Management	Not Applicable: Superseded by TDM Ordinance	Not Applicable
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Not Applicable: Pile driving is not required or proposed	Not Applicable
F-2: Construction Noise	Applicable: Temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement noise attenuation measures during construction (see Project Mitigation Measure 1)
F-3: Interior Noise Levels	Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis	Not Applicable
F-4: Siting of Noise-Sensitive Uses	Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis	Not Applicable
F-5: Siting of Noise-Generating Uses	Not Applicable: The proposed project does not include noise-generating uses	Not Applicable

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
F-6: Open Space in Noisy Environments	Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis	Not Applicable
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not Applicable: The project site is not in an Air Pollutant Exposure Zone	Not Applicable
G-2: Air Quality for Sensitive Land Uses	Not Applicable: Superseded by Health Code Article 38	Not Applicable
G-3: Siting of Uses that Emit DPM	Not Applicable: The project does not include uses that emit DPM	Not Applicable
G-4: Siting of Uses that Emit other TACs	Not Applicable: The project does not include uses that emit TACs	Not Applicable
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: The project site is not in an area for which a previous archeological study has been conducted	Not Applicable
J-2: Properties with no Previous Studies	Applicable: The project site is in an area for which no previous archeological study has been conducted	The Planning Department has conducted a Preliminary Archeological Review and determined that the proposed project would have no effect on archeological resources. No mitigation measures are necessary.
J-3: Mission Dolores Archeological District	Not Applicable: The project site is not in the Mission Dolores Archeological District	Not Applicable
<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	Not Applicable

Mitigation Measure	Applicability	Compliance
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	Not Applicable
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	Not Applicable
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Not Applicable: The project does not include the demolition or renovation of an existing building	Not Applicable

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

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on February 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.

The Planning Department received one comment expressing support for the proposed project. The Planning Department received comments expressing opposition to the proposed project's lack of off-street parking spaces. These comments are related to the design of the proposed project and do not address the physical environmental impacts of the proposed project. As discussed on pp. 15-16 of the initial study checklist, parking shall not be considered in determining if a project has the potential to result in significant environmental effects when the project is in a transit priority area, is on an infill site, and is a residential, mixed-use residential, or employment center project. These comments are acknowledged and may be considered by City decision-makers during their deliberations on whether to approve or disapprove the proposed project.

The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.



## CONCLUSION

As summarized above and further discussed in the initial study 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 to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Therefore, no further environmental review shall be required for the proposed project pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

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<sup>6</sup> The initial study checklist is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0673E.

**EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM**

<b>MONITORING AND REPORTING PROGRAM</b>				
<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring and Reporting Actions and Responsibility</b>	<b>Status / Date Completed</b>
<b>MITIGATION MEASURES</b>				
<p><b>Project Mitigation Measure 1: Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-2)</b></p> <p>The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> <li>• Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>• Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>• Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>• Monitor the effectiveness of noise attenuation</li> </ul>	Project sponsor, contractor(s).	Prior to the start of demolition or construction activities and during the construction period.	Project sponsor, contractor(s) to submit noise attenuation plan to the Department of Building Inspection and monthly reports to the Planning Department.	Considered complete upon submittal of final monthly report.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring and Reporting Actions and Responsibility</b>	<b>Status / Date Completed</b>
measures by taking noise measurements; and <ul style="list-style-type: none"><li>• Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</li></ul>				