



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination COMMUNITY PLAN EVALUATION

*Date:* November 29, 2015  
*Case No.:* 2014.1434ENV  
*Project Address:* 950 Tennessee Street  
*Zoning:* UMU (Urban Mixed Use)  
 40-X  
*Block/Lot:* 4107/001b  
*Lot Size:* 36,050 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan/Central Waterfront  
*Project Sponsor:* J.C. Wallace, Oryx Partners, LLC; 415-902-5882  
*Staff Contact:* Julie Moore – 415-575-8733; Julie.Moore@sfgov.org

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### PROJECT DESCRIPTION:

The project would demolish the existing one-story plus mezzanine, approximately 32,000-sf light industrial building and construct a four-story, 40-foot tall residential building. The project site is within the Dogpatch Historic District. The proposed 130,100-sf building would have 103 dwelling units (39 studios, 22 one-bedroom units, 38 two-bedroom units, and 4 three-bedroom units) above a 31,400-sf basement-level parking garage that would accommodate 87 vehicles in conventional spaces and stackers, plus two car share spaces, as well as 103 Class I bicycle parking stalls. The garage entrance would be on Minnesota Street. The project would provide a 27-foot-wide, publicly accessible mid-block passage between Tennessee Street and Minnesota Street along the entire south side of the building adjacent to the lot line, a 3,810-sf inner courtyard/garden at the center of the U-shaped building, and a 640-sf rooftop deck.


(Continued on next page.)

### 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 M. Gibson  
 Acting Environmental Review Officer

11/30/14  
 Date

cc: J.C. Wallace, Oryx Partners, LLC., Project Sponsor; Supervisor Cohen, District 10; Richard Sucre, Current Planner; Virna Byrd, M.D.F.; Exemption/Exclusion Distribution List, Historic Preservation Distribution List

## PROJECT DESCRIPTION (CONTINUED)

The lobby would be located at the center of the building along the mid-block passage, accessible from both Tennessee Street and Minnesota Street. In addition, there would be individual entrances to ground floor units facing Tennessee Street, Minnesota Street, and the mid-block passage. Landscape design improvements include planting approximately 23 trees and installation of raised planters, steel trellises, and stone benches along the project street frontages and/or mid-block passage.

## PROJECT APPROVAL

The proposed 950 Tennessee Street project would require the following approvals:

### Action by the Planning Commission

- Large Project Authorization for new construction of more than 25,000 gross square feet, per Planning Code Section 329 and exceptions for rear yard (Section 134), dwelling unit exposure (Section 140), off-street parking (Section 151.1), and dwelling unit mix (Section 207.6)

### Action by the Historic Preservation Commission

- Certificate of Appropriateness for demolition and new construction within the Dogpatch Landmark District, per Planning Code Article 10 – Historic Preservation Commission

### Actions by other City Departments

- Department of Building Inspection - Building Permit for demolition of existing building
- Department of Building Inspection - Building Permit for new construction
- Public Works, Bureau of Street Use and Mapping – Approval for street and sidewalk modifications
- San Francisco Public Utilities Commission – Approval of Stormwater Control Plan and Construction Site Runoff Plan
- San Francisco Department of Public Health, Environmental Health Protection Branch – Approval of Site Mitigation Plan

The Large Project Authorization approval by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA 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 950 Tennessee 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 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 implementation of the Eastern Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025). The Eastern Neighborhoods PEIR projected that this level of

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<sup>1</sup> 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 (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.

development would result in a total population increase of approximately 23,900 to 33,000 people throughout the lifetime of the plan.<sup>4</sup>

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 and immediate area were rezoned from M-2 (Heavy Industrial) to Urban Mixed Use (UMU). The UMU District is intended to retain and encourage existing production, distribution, and repair activities and promote new business formation. Generally, other uses are also permitted. 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 950 Tennessee Street site, which is located in the Central Waterfront District of the Eastern Neighborhoods, was designated as a site with building permitted 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 950 Tennessee 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 950 Tennessee Street project, and identified the mitigation measures applicable to the 950 Tennessee 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>5,6</sup> Therefore, no further CEQA evaluation for the 950 Tennessee Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying initial study for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site occupies a 36,050-square foot (sf) mid-block lot along Tennessee Street between 20<sup>th</sup> and 21<sup>st</sup> Streets. The project site spans the width of the block, between Tennessee Street and Minnesota Street, in San Francisco's Potrero Hill and Dogpatch neighborhoods. Adjacent properties to the north consist of a warehouse-type building that extends the width of the block and a four-story residential building,

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<sup>4</sup> Table 2 Forecast Growth by Rezoning Option Chapter IV of the Eastern Neighborhoods Draft EIR shows projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning.

<sup>5</sup> Josh Switzky, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 950 Tennessee Street, September 27, 2016. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.1434ENV.

<sup>6</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 950 Tennessee Street, April 26, 2016.

adjacent to the site parking lot. Another warehouse-type building occupies the adjacent property to the south. A four-story residential development is situated directly across from the site on Minnesota Street, while the properties across from the site on Tennessee Street include a mix of commercial, industrial and residential uses. Esprit Park is located about 250 feet northwest of the site at the northwest corner of Minnesota Street and 20<sup>th</sup> Street and a preschool, La Scuola International School, is located 250 feet northeast of the site at the northeast corner of Tennessee Street and 20<sup>th</sup> Street. Third Street light rail line is one block to the east, and the Caltrain 22<sup>nd</sup> Street station is four blocks to the southwest.

The project site is located within the Dogpatch Landmark District. The existing site building has been occupied by a variety of industrial and warehousing uses since it was constructed in 1946. Watermark Press has occupied the building since 1994 for light industrial uses. The building was found to be ineligible individually for national, state, or local listing as a historic resource. The building was previously considered to be a contributor to the Dogpatch Landmark District; however, additional research has revealed that this earlier determination was an error.<sup>7</sup> The Planning Department agrees with these findings and has determined that the project would not have a substantial adverse effect on the surrounding historic district.<sup>8</sup>

## 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 950 Tennessee 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 950 Tennessee 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. As a result of the adoption of the Plan, the project site and nearby surrounding areas were rezoned to UMU, and areas east of Third Street and south of 23<sup>rd</sup> Street were rezoned PDR-1G and/or retained M-2 zoning. Based on the rezoning, a mix of uses was anticipated in the vicinity. Land use impacts were related to the cumulative loss of existing PDR space due to the implementation of the Eastern Neighborhoods Area Plan. Prior to adoption of the Plan, the project site was zoned Heavy Industrial (M-2) and it was included as part of the PDR land supply whose loss was considered a significant cumulative impact in the Eastern Neighborhoods PEIR. As discussed in the initial study for this project, the proposed project would not represent a significant conversion of a PDR use to a residential use in comparison with that which was anticipated in the Eastern Neighborhoods PEIR. The proposed project would not demolish or modify the character-defining features of any historic resources. Demolition of the existing building would not materially impair the eligibility/designation of the surrounding Dogpatch Landmark

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<sup>7</sup> ESA, *Historic Resources Evaluation Report, 950 Tennessee Street, San Francisco, California*. December 2015.

<sup>8</sup> San Francisco Planning Department, Tina Tam, *Preservation Team Review Form, 950 Tennessee Street*, November 8, 2016.

District. The proposed new development would be in general conformity with the Secretary of the Interior's Standards for Rehabilitation would not cause a substantial adverse impact upon the significance of the Dogpatch Landmark District or any qualified historic resource in the vicinity of the project site.<sup>9</sup> Therefore, the proposed project would not contribute to any historic resource impact. Traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR.

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	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed	N/A
F-2: Construction Noise	Applicable	The project sponsor has agreed to implement measures to reduce construction noise.
F-5: Siting of Noise-Generating Uses	Not Applicable	N/A
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not Applicable: the project site is not within an identified Air Pollutant Exposure Zone	N/A
G-2: Air Quality for Sensitive Land Uses	Not Applicable: Mitigation Measure G-2 has been superseded by San Francisco Health Code Article 38	Compliance with the Article 38 requires the project sponsor to submit an Enhanced Ventilation Proposal that achieves protection from fine particulate matter.
G-3: Siting of Uses that Emit DPM	Not Applicable: new sources of DPM are not proposed.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: commercial, industrial, or other uses that would generate toxic air contaminants are not proposed	N/A
<b>J. Archeological Resources</b>		

<sup>9</sup> Ibid.

Mitigation Measure	Applicability	Compliance
J-1: Properties with Previous Studies	Not Applicable: no archaeological research design and treatment plan is on file for the project site.	N/A
J-2: Properties with no Previous Studies	Applicable: the project would excavate approximately 17,585 cubic yards of soil	The project sponsor has agreed to implement measures to reduce impacts related to the inadvertent discovery of archeological resources.
J-3: Mission Dolores Archeological District	Not Applicable: the project site is not within the Mission Dolores Archeological District	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
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Applicable: the project involves interior demolition of a building with potentially hazardous building materials	The project sponsor has agreed to remove and dispose of any equipment containing PCBs or DEHP according to applicable laws prior to demolition.
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A

Mitigation Measure	Applicability	Compliance
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	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 April 4, 2016 to adjacent occupants and owners of properties within 300 feet of the project site, Potrero Hill and City-wide neighborhood group lists. The same notice was sent to the Historic Resources Preservation group list on August 12, 2016. 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. There was only one comment received; it expressed concern that there would be insufficient parking. 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 project-specific initial study<sup>10</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>10</sup> The Initial Study – Community Plan Evaluation is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.1434ENV.