



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.1511E
 Project Title: 360 Spear Street
 Zoning: RH DTR (Rincon Hill Downtown Residential Mixed Use District)
 105-X Height and Bulk Districts
 Block/Lot: 3745/009
 Lot Size: 34,375 square feet
 Plan Area: Rincon Hill
 Project Sponsor: Gregg Miller Coblentz Patch Duffy & Bass, LLP
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PROJECT DESCRIPTION

The project site includes a five-story, approximately 76-foot-tall, 159,178-gross-square-foot (gsf) building, currently used as an Internet Services Exchange facility, located on the southwest corner of Harrison and Spear streets, one block south of The Embarcadero in the South of Market neighborhood. The proposed project entails conversion of existing internet service exchange use on a portion of the third floor and the entire fourth floor to office use (as defined in Section 890.70 of the Planning Code). Renovations would include conversion of approximately 50,000-gsf of the existing interior space devoted to internet service facilities to office use, replacement of two fourth floor windows with airflow louvers, the installation of a rooftop mechanical equipment to service the converted office floors, and the installation of bicycle lockers and related shower facilities. No new on-site parking would be provided. The building's existing 11 parking spaces (two of which are for van loading and unloading and two of which are accessible van spaces) and the loading dock would not be modified in connection with the proposed conversion.

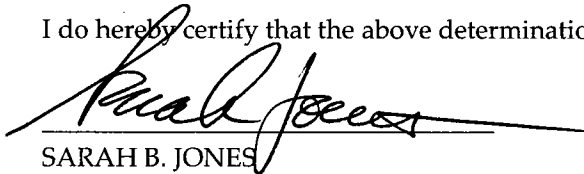
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EXEMPT STATUS

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

DETERMINATION

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


 SARAH B. JONES

Environmental Review Officer

November 7, 2015
 Date

cc: Gregg Miller, Project Sponsor; Supervisor Jane Kim, District 6; Rich Sucre, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The current internet service exchange use would continue in those portions of the building that are not proposed for conversion. No ground-disturbing excavation or increase in the building height would be part of the project. The 360 Spear Street building (the project building) is not considered a historical resource for purposes of CEQA and the project site is not within a historic district.

PROJECT APPROVAL

A Conditional Use Authorization for conversion of the Internet Service Exchange facilities on part of the third and all of the fourth floors is the Approval Action for this project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: 1) are peculiar to the project or parcel on which the project would be located; 2) 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; 3) are potentially significant off-site and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or 4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior 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 whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report for the *Rincon Hill Plan (Rincon Hill Plan FEIR or FEIR)*, which is the underlying EIR for the proposed 360 Spear Street project.¹ Project-specific studies summarized in this determination were prepared for the proposed project to determine if there would be any additional potentially significant impacts attributable to (i.e., "peculiar" to) the proposed project.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the *FEIR*. This determination does not identify new or additional information that would alter the conclusions of the *FEIR*. In addition, this determination finds that no mitigation measures contained in the *FEIR* are applicable to the proposed project at 360 Spear Street. Relevant information pertaining to prior environmental review conducted for

¹ San Francisco Planning Department, *Rincon Hill Plan Final Environmental Impact Report (FEIR)*, Planning Department Case No. 2000.1081E, State Clearinghouse No. 1984061912, certified May 5, 2005. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 11, 2015.

the *FEIR* as well as an evaluation of potential environmental effects are provided in the Community Plan Exemption (CPE) Checklist for the proposed project.²

BACKGROUND

After several years of analysis, community outreach, and public review, the Planning Commission certified the *FEIR* for the *Rincon Hill Plan* on May 5, 2005. The *FEIR* analyzed amendments to San Francisco General Plan (General Plan), the San Francisco Planning Code (Planning Code), and the Zoning Maps associated with the establishment of the *Rincon Hill Plan*. The *FEIR* analysis was based upon assumed development and activity that were anticipated to occur under the *Rincon Hill Plan*.

On August 2, 2005, the San Francisco Board of Supervisors (Board of Supervisors) adopted ordinances amending the General Plan, Planning Code, and Zoning Maps that constituted the “project” analyzed in the *Rincon Hill Plan FEIR*. On August 19, 2005, the Mayor signed the ordinances into law. These legislative amendments created new zoning controls to regulate development in what is envisioned to be a mixed-use neighborhood characterized by high-density, high-rise residential uses, reduced parking requirements, and public amenities, such as open spaces, bicycle parking, and streetscape improvements. As part of these legislative amendments, the 360 Spear Street project site was rezoned from Rincon Hill Special Use District to RH-DTR (Rincon Hill Downtown Residential), and its height and bulk limits were reclassified from 105-R to 105-X. The *Rincon Hill Plan*, as evaluated in the *FEIR* and as adopted by the Board of Supervisors, accommodates the proposed use, design, and density of the proposed 360 Spear Street project.

Individual projects implemented under the *Rincon Hill Plan* undergo project-level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development. If so, additional environmental review would be required. This determination concludes that the proposed project at 360 Spear Street is consistent with and was encompassed within the analysis in the *FEIR* for the *Rincon Hill Plan*, and that the *FEIR* adequately described the impacts of the proposed 360 Spear Street project. The proposed project is in conformity with the General Plan and the *Rincon Hill Plan*, and complies with the provisions of the Planning Code.^{3,4} Therefore the 360 Spear Street project is consistent with the certified *Rincon Hill Plan FEIR*, its impacts are adequately addressed in the *FEIR*, and no further CEQA evaluation is necessary. In sum, the *Rincon Hill Plan FEIR* 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, which is on the south side of Spear Street at its intersection with Harrison Street, is in the South of Market neighborhood approximately one block north of the Interstate 80 and the San Francisco Bay Bridge and one block south of the Embarcadero. For the past several years the area within and near the *Rincon Hill Plan* area has been undergoing a transformation from an area of predominantly low- and mid-rise industrial buildings to a mixed-use area that includes high-density, high-rise residential

² The CPE Checklist for the 360 Spear Street project is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2013.1511E.

³ Susan Exline, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 360 Spear Street, October 14, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

⁴ Elizabeth Watty, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 360 Spear Street, August 11, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

buildings and mid-rise office buildings. To the immediate west of the project site is the Infinity mixed-use development (the Infinity Towers), primarily consisting of two high-rise (approximately 450- and 350-foot-high) and two mid-rise residential towers containing a total of 650 dwelling units. On the north side of Spear Street opposite the project site is the six-story former Hills Brothers Coffee plant, now occupied by offices of various businesses and the San Francisco campus of the Wharton School of Business. Further west on the north side of Spear Street are the offices of Google San Francisco, restaurants, retail and residential uses that are within a seven-story building. East of the project site on Harrison Street are two substantial residential developments of three floors (at the southeast corner of Harrison and Spear) and eight floors (at the southwest corner of Main and Harrison). At the northeast corner of Spear and Harrison is a large, six-story office building.

POTENTIAL ENVIRONMENTAL EFFECTS

The *Rincon Hill Plan FEIR* analyzed the following environmental topics: land use, plans, and policies; visual quality; transportation, circulation, and parking; population and housing; air quality; shadow; wind; hazardous materials; historical resources; hydrology and water quality; growth inducement; noise; utilities/public services; biology; geology/topography; water; and energy/natural resources.

Significant and unavoidable impacts were identified in the *Rincon Hill Plan FEIR* for the following topics: historic architectural resources and transportation and circulation (traffic). The project would not contribute to significant and unavoidable impacts related to historic architectural resources identified by the *Rincon Hill Plan FEIR* because the 360 Spear Street building is not one of the historic resources for which a significant and unavoidable impact was found in the *FEIR* (those were three buildings at 425 First Street, 347 Fremont Street and 375 Fremont Street). The project site was constructed in 1940 and is designated 7R in the National Register, indicating it was identified in a reconnaissance-level survey but not evaluated. The proposed work would largely occur on the interior of the building; the only exterior alteration would be replacement of two fourth floor windows with louvers and installation of rooftop mechanical equipment (which would not be visible from a public right-of-way). It has been determined that installation of the proposed louvers would not impact potentially historic materials or features.⁵ In regards to transportation and circulation, the proposed project would not contribute to significant and unavoidable traffic impacts identified by the *Rincon Hill Plan FEIR* because it would not contribute significantly to the critical vehicle movements that operate poorly at nearby intersections.

The proposed 360 Spear Street project is in conformance with the height, use and density for the site described in the *Rincon Hill Plan FEIR*. Thus, the plan analyzed in the *Rincon Hill Plan FEIR* considered the incremental impacts of the proposed 360 Spear Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the *Rincon Hill Plan FEIR*.

The *Rincon Hill Plan FEIR* 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 *Rincon Hill Plan FEIR* and states whether each measure would apply to the proposed project.

⁵ Sucre, Richard, San Francisco Planning Department. *Preservation Team Review Form, 360 Spear Street*. July 21, 2015.

Table 1 – Rincon Hill Plan FEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
Noise (from Initial Study)		
1: Construction Noise (Pile Driving)	Not Applicable: the proposed project construction does not involve pile driving.	N/A
C. Transportation, Circulation and Parking		
C1.a	Not Applicable: plan level mitigation by SFMTA.	N/A
C1.b	Not Applicable: plan level mitigation by SFMTA.	N/A
C1.c	Not Applicable: plan level mitigation by SFMTA.	N/A
E. Air Quality		
E.1: Construction Air Quality	Not Applicable: E.1 applies to outdoor construction activities; project construction will occur on the inside of the building.	N/A
E.2: Operational Air Quality	Not Applicable: the proposed project is below BAAQMD's construction and operational criteria air pollutant screening criteria for office space.	N/A
G. Wind		
G.1: Planning Code controls for the Rincon Hill Downtown Residential Mixed-Use (DTR) District.	Not Applicable: the project does not propose an increase in height to the building and the controls contained in Planning Code Sections 148 and 249.1(a)(3) do not apply.	N/A
H. Hazardous Materials		
H.1: Environmental Site Assessment for sites not covered by the Maher Ordinance.	Not applicable: project site is covered by the Maher Ordinance and, in any event, no soils disturbing work is proposed.	N/A
H.2: Any groundwater pumped shall be subject to the requirements	Not Applicable: no sub-surface excavation is proposed in which	N/A

Mitigation Measure	Applicability	Compliance
of the City’s Industrial Waste Ordinance regarding proper treatment (if necessary) and disposal into the combined sewer system.	groundwater could be encountered.	
I. Historical Resources		
Archaeological Resources		
I.1a. Projects Located in Archeological Mitigation Zone 1 (AMZ-1) for which a final archaeological research design and treatment plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department.	Not Applicable: no sub-surface excavation is proposed in which archaeological resources could be encountered.	N/A
I.1b. Projects Located in Archaeological Mitigation Zone 2 (AMZ-2) for which the archaeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archaeological resources under CEQA.	Not Applicable: no sub-surface excavation is proposed in which archaeological resources could be encountered.	N/A
I.1c. Projects Located in Archaeological Mitigation Zone 2 (AMZ-2) for which it is believed there are no significant archaeological resources, or that those resources have been significantly disturbed, or that those resources have been investigated and those resources with significant research value removed and curated as the result of an archaeological data recovery program.	Not Applicable: no sub-surface excavation is proposed in which archaeological resources could be encountered.	N/A
Historic Architectural Resources		
1.2a: Preparation of Historic American Building Survey (HABS) for the Union Oil Company Building (425 First Street) prior to	Not Applicable: Mitigation Measure 1.2a applies only to the Union Oil Company Building at 425 First Street.	N/A

Mitigation Measure	Applicability	Compliance
its demolition.		
I.2b: Preparation of Historic American Building Survey (HABS) for the Edwin W. Tucker & Co. Building (347 Fremont Street) prior to its demolition.	Not Applicable: Mitigation Measure 1.2b applies only to the Edwin W. Tucker & Co. Building at 347 Fremont Street.	N/A
I.2c: Preparation of Historic American Building Survey (HABS) for the 375 Fremont Street Building prior to its demolition.	Not Applicable: Mitigation Measure 1.2c applies only to the 75 Fremont Street Building.	N/A
I.2d: To partially offset the loss of any other buildings identified during project-specific review as historical resources under CEQA, the project sponsor of the project under review shall, at a minimum, ensure that a complete survey, to the standards of the Historic American Building Survey (HABS), is undertaken prior to demolition, if any.	Not Applicable: the 360 Spear Street is building is not a historical resource under CEQA and, in any event, the proposed project would not result in its whole or partial demolition.	N/A

The *Rincon Hill Plan FEIR* did not identify significant noise impacts associated with implementation of the Plan. However, as discussed under “Operational Noise” in Section 5 of the CPE Checklist prepared for the proposed project, residents of the adjacent Infinity Towers have, in the past, filed complaints with the City concerning noise from the HVAC and chiller equipment atop the existing project building. The Department of Public Health has investigated these complaints and monitored sound at the Infinity Towers on those sides facing the project site. Given the existing noise from rooftop equipment, the addition of the proposed mechanical equipment may result in nighttime noise impacts to neighboring residents (in particular, those of the Infinity Towers that reside at a height above the project site roof). Noise from rooftop equipment is typically abated by use of a sound-absorbing wall. In this instance, however, such a wall would have to be tall enough to block sound to those units on the east side of the 350 to 450-foot-tall Infinity Towers that are above the approximately 76-foot-tall elevation of the project building (that is, those units with direct lines-of-sight to the project building’s rooftop). Such a wall would not be feasible.

As discussed in the CPE Checklist for the proposed project, the proposed equipment is considerably quieter than the existing equipment on the roof.⁶

⁶ Email from Randy Waldeck, PE and Principal, Acoustics, CSDA Design Group, to Chris Thomas, Planning Department. November 2, 2015.

Although the proposed mechanical equipment is quieter than the existing rooftop equipment, the noise it would create could combine with the existing rooftop equipment to create a cumulative noise impact. Accordingly, a Rooftop Equipment Noise Study (Noise Study) was prepared for the proposed project to evaluate existing ambient noise levels and those project and cumulative noise levels that would result with installation of the proposed project's rooftop mechanical equipment.⁷ The Noise Study, discussed in Section 5 of the CPE Checklist, determined that the anticipated noise from the proposed rooftop mechanical equipment would not exceed the Noise Ordinance Section 2909(b) limit of 8 dBA above ambient at the property plane. The Noise Study also determined that the Noise Ordinance Section 2909(d) interior residential noise limit of 45 dBA would not be exceeded at the residences in the Infinity Tower nearest to the project building. The proposed project would therefore not contribute to a project or a cumulative noise impact.

The proposed project would not result in any significant impacts to the environment. While the proposed project would not result in any significant traffic impacts that were not previously identified in the Rincon Hill FEIR, Project Improvement Measure 1 (Transportation Demand Measures), discussed on page 42 of the CPE Checklist accompanying this Determination, could be implemented to further reduce the less-than-significant traffic impact of the proposed project. Improvement Measure 1 includes three transportation demand measures intended to reduce vehicle trips generated by the proposed project by encouraging the use of rideshare, transit, bicycle, and walk modes for trips to and from the project site.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on July 13, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. The comment period was from July 13 to August 3, 2015, during which two comments were received by email. There was also an additional request via a phone message for future notification regarding the project. The first email, received July 26, 2015, expressed concern regarding noise from the mechanical equipment that would be installed on the roof of the 360 Spear building, noting that the City had monitored noise resulting from rooftop equipment in the past. The Department of Public Health confirmed that "there is a long history of noise issues with 360 Spear Street and the residents of the Infinity Towers."⁸ As discussed under Topic 5 (Noise) of the CPE Checklist for the proposed project, a study of existing ambient noise levels and levels expected with installation of the proposed rooftop mechanical equipment determined that the proposed project would not exceed San Francisco's Noise Ordinance limits pertaining to commercial properties (no more than 8 dBA above ambient at the property plane) and interior residential space (no more than 45 dBA and 55 dBA during nighttime and daytime hours).⁹

A second email, received July 30, 2015, raised the following issues: air quality (proximity of the project site to the Bay Bridge results in air quality effects to Rincon Hill residents that are "particularly challenging..."); pedestrian hazards due to crowded streets and sidewalks and inadequately trained traffic control officers; and traffic hazards due to double-parked delivery vehicles.

⁷ 360 Spear Street Data Center 3rd and 4th Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015.

⁸ Email from Jonathan Piakis, Department of Public Health to Chris Thomas, Environmental Planning Division. July 27, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1511E.

⁹ 360 Spear Street Data Center 3rd and 4th Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 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. 2013.1511E.

In regards to air quality issues raised by the July 30, 2015 email, and as discussed on pages 24 to 26 of the CPE Checklist that accompanies this Certificate, although the project site is located within an identified Air Pollutant Exposure Zone, the proposed project does not involve a sensitive use as defined by Health Code Article 38 or the Bay Area Air Quality Management District (BAAQMD). In addition, the proposed project does not involve activities that would produce significant quantities of Toxic Air Contaminants or other emissions that would pose a health risk to neighboring sensitive users. Therefore the proposed project would not result in a significant impact with regards to health risks. As to construction and/or operational air quality impacts related to criteria air pollutants, and as discussed on page 25 of the CPE Checklist, the proposed project size is well below the screening criteria for office use provided by BAAQMD. As to air quality impacts resulting from construction of the proposed project (resulting from fugitive dust), the proposed project would be subject to the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) and there would similarly be a less than significant impact.

In regards to pedestrian hazards, and as noted on page 18 of the Transportation and Circulation section of the CPE Checklist, the proposed project would add nine new pedestrian trips during the weekday p.m. peak hour. Observations made during two visits to the 360 Spear Street area during the morning and evening rush hour indicated that there is adequate capacity on area sidewalks to accommodate the increase in pedestrian traffic that could occur with approval and operation of the proposed project such that significant delays and/or hazards to pedestrians would not be anticipated. Finally, a review of the proposed project by the Planning Department transportation planners did not indicate a potential hazard to pedestrians.¹⁰ In regards to traffic control at intersection crossings, traffic control officers are under the jurisdiction of the San Francisco Municipal Transportation Agency.

In regards to hazards created by double-parked delivery vehicles, and as noted on page 19 of the Transportation and Circulation section of the CPE Checklist, the proposed project is expected to create less than one peak hour and an average of one truck delivery per day. The project site does have a loading dock and, given the low number of anticipated deliveries, hazards to pedestrians, cyclists and other motorists created by the proposed project are not expected to be significant.

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 proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the *Rincon Hill Plan FEIR*.

CONCLUSION

As summarized above and further discussed in the CPE Checklist:

1. The proposed project is consistent with the development density established for the project site in the *Rincon Hill Plan*;
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 *Rincon Hill Plan FEIR*;

¹⁰ Preliminary Transportation Consultation/Preliminary Study Determination Request. April 9, 2015. Case No. 2013.1511E 360 Spear Street. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1511E.

3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the *Rincon Hill Plan FEIR*;
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 *Rincon Hill Plan FEIR* was certified, would be more severe than were already analyzed and disclosed in the *FEIR*; and

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