



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXCLUSION FROM ENVIRONMENTAL REVIEW

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Date: July 26, 2018
Case No.: 2018-008329ENV
Project Name: BOS FILE NO. 180389
Project Address: Southwest corner at 19th Avenue and Quintara Street
1021 Quintara Street, 2121 19th Avenue, 2145 19th Avenue,
2115 19th Avenue
Zoning: RH-1 (Residential-House, One Family) and
RH-2 (Residential-House, Two Family)
Scenic Streets Special Sign District (SSD)
40-X Height and Bulk District
Block/Lot: 2198/001, 031, 033, 034, 037
Lot Size: 45,250 total square-feet
Project Sponsor: Supervisor Katy Tang, District 4, San Francisco Board of Supervisors
Staff Contact: Justin Horner – (415) 575-9023 justin.horner@sfgov.org

PROJECT DESCRIPTION:

The project is proposed legislation, introduced by District 4 Supervisor Katy Tang, that would: 1) amend the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, 2) revise the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue) (collectively, the "Lots").

(continued on next page)

EXEMPT STATUS:

General Rule Exclusion (California Environmental Quality Act [CEQA] Guidelines Section 15061(b)(3))

DETERMINATION:

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

Lisa Gibson
Environmental Review Officer

7/26/18
Date

cc: Supervisor Katy Tang, District 4 (via Clerk of the Board)
Board of Supervisors
Distribution List

PROJECT DESCRIPTION (CONTINUED):

On October 27, 2015, the Planning Department issued a Preliminary Project Assessment ("PPA") letter number 2015-009973PPA for the Lots. The PPA application proposed merging the Lots and building 42 residential units with 615 square feet ("sf") of commercial space at the ground floor. A project application was not submitted within 18 months of the PPA issuance and the PPA letter expired. No subsequent proposal to develop the Lots has been submitted along with the proposed legislation. The proposed legislation would allow development to occur in the future at a greater residential density, and with different allowable uses (e.g., retail), than are currently permitted.

The proposed legislation would rezone the Lots. Lot 001 is a 6,000-sf lot that is mostly vacant but contains a small flower stand at the northeast corner of the parcel. Lot 031 is a 5,998-sf vacant lot fronting on Quintara Street and is adjacent to and immediately west of Lot 001. Lots 033, 034, and 037 front on 19th Avenue. Lot 033 is a 13,438-sf lot with a two-story, 10,800-sf office building constructed in 1958, and Lot 034 is a 13,207-sf lot with a two-story, 10,800-sf office building constructed in 1959. Lots 033 and 034 currently provide surface parking at the rear of the lots with a total of 62 parking spaces. Lot 037 is a 6,480-sf vacant lot.

The two existing office buildings on Lots 033 and 034 are Limited Commercial Uses (non-conforming uses) in the RH-2 zoning district. The proposed rezoning to RM-2 under this legislation would allow types of development and densities that are currently not permitted under RH-1 and RH-2 zoning, including retail and commercial uses.

Although there is no development project proposed at this time, this CEQA determination analyzes the environmental effects that could be anticipated from a potential future mixed-use residential project that could be approved at the maximum density permitted under the new zoning. Under the proposed RM-2 zoning district, the Lots could be eligible for participation in HOME-SF, a voluntary program available for developers constructing mixed-income housing in certain areas of San Francisco. To qualify for the HOME-SF program, 30 percent of the units in a new housing project must be affordable to low-, middle-, and moderate-income families. HOME-SF projects receive density bonuses and zoning modifications that allow project sponsors to accommodate additional affordable units. HOME-SF projects require a Conditional Use Authorization from the Planning Commission.

As a maximum density scenario, based on the 45,250 total-square-foot site in the proposed RM-2 zoning district and assuming participation in HOME-SF, the proposed legislation could enable a development project that would demolish the two office buildings and develop the entire site and utilize the increased density and height provisions of the HOME-SF program.¹ This could result in a 65-foot tall, 203,062-sf mixed-use residential building comprised of approximately 170 units, 4,000-sf of retail, and one level of basement parking. If the two existing office buildings were to remain, the density that could result may include a 65-foot tall, 70,000-sf mixed-use residential building comprised of approximately 69 units, 200-sf of retail, and one level of basement parking.

This CEQA determination provides environmental review for the proposed rezoning and the abolition of the legislated setback.

¹ For more information about the HOME-SF program, see <https://sf-planning.org/home-sf>.

APPROVAL ACTION

The San Francisco Board of Supervisors' approval of the proposed rezoning and the abolition of the legislated setback is the approval action for the legislation. 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.

EXEMPT STATUS

CEQA Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As discussed below, the proposed project could not result in a significant impact on the environment.

DISCUSSION OF ENVIRONMENTAL ISSUES:

Aesthetics. In accordance with CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, aesthetics shall not be analyzed to determine the significance of project impacts under CEQA.²

Land Use and Land Use Planning. The San Francisco General Plan establishes objectives and policies to guide land use decisions related to the physical development of San Francisco and is composed of ten elements, each of which addresses a particular topic that applies citywide: air quality; arts; commerce and industry; community facilities; community safety; environmental protection; housing; recreation and open space; transportation; and urban design. The plan provides general policies to guide land use decisions, and contains some policies that relate to physical environmental issues. The Lots are located within the RH-1 and RH-2 zoning districts and a 40-X height and bulk district in the Outer Sunset neighborhood of San Francisco.

The proposed legislation and the theoretical development project examined in this document would apply to current legal lots of record and do not include any changes to existing public rights of way, so they would not divide an existing community. Rezoning the project site and abolishing the legislated setback to permit a mixed-use residential project in this location would not conflict with any General Plan policies or other plans that included mitigations adopted to avoid an environmental impact. Similarly,

² San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for BOS 180389, July 25, 2018. 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. 2018-008329ENV.

the development of a mixed-use residential project at the project site, which is in proximity to existing multiunit buildings and commercial uses, would not adversely impact that character of the surrounding neighborhood.

Population and Housing. The Lots proposed for rezoning do not currently contain any residential units. Therefore the proposed legislation, or a hypothetical development project that would include the demolition of all existing structures on the Lots, would not result in the displacement of any existing residents or require the construction of new dwelling units elsewhere to compensate for any lost from demolition. Indeed, the hypothetical project would include the addition of as many as 170 housing units. The project would be located in an urbanized area and would not be expected to substantially alter existing development patterns in the neighborhood, or in San Francisco as a whole. Since the project site is located in an established urban neighborhood, it would not require, or create new demand for, the extension of municipal infrastructure.

Transportation. Any future development that could occur under the proposed rezoning under this legislation would not require a transportation study. This is due to the low number of net new vehicle trips anticipated with the theoretical project compared to the existing land uses, and the fact that the overall density estimate is not expected to result in volume-related impacts. A project would have a significant effect on the environment if it would cause substantial additional vehicle miles travelled (“VMT”). For residential projects, a project would generate substantial additional VMT if it exceeds the regional household vehicle miles travelled per capita minus 15 percent.³ This approach is consistent with CEQA Section 21099 and the thresholds of significance for other land uses recommended in Office of Planning and Research’s proposed transportation impact guidelines.

The Governor’s Office of Planning and Research’s (“OPR”) proposed guidelines evaluating transportation impacts in CEQA recommend screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (map-based screening, small projects, and proximity to transit stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-based screening is used to determine if a project site is located within a transportation analysis zone in the City that exhibits low levels of VMT; small projects are projects that would generate fewer than 100 vehicle trips per day; and the proximity to transit stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the planning code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

The existing average daily per capita household VMT for the transportation analysis zone in which the project site is located (transportation analysis zone 136) is 11.9. This is 30% below the existing regional average daily per capita household vehicle miles travelled of 17.2. Given that the project site is located in an area where existing VMT is more than 15 percent below the existing regional average for residential use, any future development project would not result in substantial additional VMT and impacts would

³ OPR’s proposed transportation impact guidelines states a project would cause substantial additional vehicle miles travelled if it exceeds both the existing City household vehicle miles travelled per capita minus 15 percent and existing regional household VMT per capita minus 15 percent. In San Francisco, the City’s average VMT per capita is lower (8.4) than the regional average (17.2). Therefore, the City average is irrelevant for the purposes of the analysis.

requires all construction sites, regardless of size to implement Best Management Practices (BMPs) to prevent construction site runoff discharges into the combined or separate sewer systems. Further, construction sites that disturb 5,000 square feet or more of ground surface, such as the theoretical project, are required to apply for a Construction Site Runoff Control Permit from the SFPUC and submit an Erosion and Sediment Control Plan which includes BMPs to prevent stormwater runoff and soil erosion during construction.

Biological Resources. The project site is within a developed urban area and occupied by two existing buildings, a flower stand, surface parking lots, and a vacant lot. The project site under this proposed legislation is surrounded by residential, commercial, and institutional uses. The project site is within a developed urban area of San Francisco with no significant riparian corridors, estuaries, marshes, wetlands, or any other potential wildlife habitat that might contain endangered, rare, or threatened species. Thus, the project site has no value as habitat for rare, threatened, or endangered species.

Archeological Resources. There would be no effect to archeological resources due to the location of the Lots, as there is low sensitivity for historic-period archeological resources based on map and archival research.⁵

Historic Architectural Resources. The development project that could be allowed under this legislation could include the demolition of three existing structures constructed more than 45 years ago. A property may be considered a historic resource if it meets any of the criteria related to (1) events, (2) persons, (3) architecture, or (4) prehistory that make it eligible for listing in the California Register of Historical Resources, or if it is considered a contributor to a potential historic district.

The buildings are not listed on the National Register of Historic Resources or California Register of Historical Resources, nor have they been rated by the California Historic Resources Information Center, or designated under San Francisco Planning Code articles 10 or 11 as local landmarks or within a historic conservation district. The buildings were not included in the 1976 citywide survey that led to the book titled *Splendid Survivors*.⁶ Therefore based on the theoretical project that was analyzed here, the department made a preliminary determination that the buildings on the project site are not eligible for individual listing on the California Register of Historical Resources. In addition, the project site is not within a historic district or an area proposed as a historic district. According to analysis by Planning Department preservation staff, demolition of the structures currently occupying the project site would not result in an adverse impact on an historical resource.⁷

Wind. Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. Although the hypothetical 65-foot-tall building would be taller than the immediately adjacent buildings, it would be similar in height to existing buildings in the

⁵ SF Planning, *Preliminary Archeological Review Case 2018-008329ENV*, Email from A. Vanderslice to J. Horner, June 25, 2018.

⁶ For a discussion of the preservation movement in San Francisco and the book *Splendid Survivors*, see: http://sf-planning.org/sites/default/files/FileCenter/Documents/5091-PB_14_Historic_Preservation_in_US_and_SF_new.pdf. Accessed July 10, 2018.

⁷ SF Planning, *Memorandum Regarding Historic Resource Status of Assessor's Parcel Block No. 2198, Lot No. 001, 031, 033, 034, 037*, July 24, 2018.

be less-than-significant. The future 2040 vehicle miles travelled for transportation analysis zone 136 is 11.3, which is 29 percent below the future 2040 per capita regional average VMT travelled of 16.1. Furthermore, the project site meets the proximity to transit stations screening criterion, which also indicates the proposed project's residential uses would not cause substantial additional VMT.

The existing average daily per capita VMT for retail employees for the transportation analysis zone in which the project site is located (transportation analysis zone 136) is 9.1. This is 38% below the existing regional average daily per capita household VMT of 14.8. Given that the project site is located in an area where existing VMT is more than 15 percent below the existing regional average for retail employees, the proposed project would not result in substantial additional VMT and impacts would be less-than-significant. The future 2040 vehicle miles travelled for retail employees in transportation analysis zone 136 is 8.4, which is 42 percent below the future 2040 per capita regional average VMT of 16.1. Furthermore, the project site meets the proximity to transit stations screening criterion, which also indicates the proposed project's residential and retail uses would not cause substantial additional VMT.

Noise. Noise is regulated by the San Francisco Noise Ordinance (Noise Ordinance), which is codified in Article 29 of the San Francisco Police Code. Article 29 establishes property line and other limits for fixed noise sources and also regulates construction noise. Projects are required to comply with these requirements during construction and operation. Therefore, the proposed legislation and theoretical project would result in less than significant construction noise impacts.

Air Quality. The theoretical development project that would be allowed under this legislative rezoning would fall below the Bay Area Air Quality Management District's (BAAQMD) thresholds for construction- or operations-related criteria pollutant or health risk impacts.

The project site is not within an Air Pollutant Exposure Zone. Therefore, any future proposed development project on this site would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution. A development project would require construction activities for approximately 12-18 months. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, development projects are subject to, and comply with, California regulations limiting idling to no more than five minutes,⁴ which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Water Quality. The theoretical project that would be allowed under this rezoning legislation is not anticipated to generate wastewater or result in wastewater discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and stormwater would flow to San Francisco's combined sewer system and would be treated to standards contained in San Francisco's National Pollutant Discharge Elimination System Permit for the Southeast Water Pollution Control Plant prior to discharge. In 2013, the San Francisco Public Utilities Commission (SFPUC) adopted the Construction Site Runoff Ordinance (Public Works Code, Ordinance 260-13) which

⁴ California Code of Regulations, Title 13, Division 3, § 2485 (on-road) and § 2449(d)(2) (off-road).

surrounding area. For the above reasons, the proposed project is not anticipated to cause impacts related to wind.

Shadow. Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. While the hypothetical project could be as tall as 65 feet, a shadow fan prepared by the Planning Department showed that a hypothetical project at that height would not cast any new shadow on any open space subject to Planning Code Section 295 nor any other public open space.⁸ Therefore, the proposed rezoning and hypothetical project would have no shadow impacts.

Recreation, Utilities and Service Systems and Public Services. The hypothetical development project could add as many as 391 new residents to the project site.⁹ This number of new residents projected would not be large enough to substantially increase demand for, or use of, neighborhood parks or recreational facilities, such that substantial physical deterioration would be expected. The permanent residential population on the site and the incremental on-site daytime population growth that would result from the any commercial use would not require the construction of new recreational facilities or the expansion of existing facilities.

Implementation of the hypothetical development project would increase the demand for fire protection, emergency medical, and police protection services. This increase in demand, however, would not be substantial given the overall demand for such services on a citywide basis, and would not require the construction of new facilities to meet increased demand due to the hypothetical development project. Fire protection, emergency medical, and police protection resources are regularly redeployed based on need in order to maintain acceptable service ratios.

Geology and Soils. Any future proposed development project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. Decisions about appropriate foundation design and whether or not additional background studies are required would be considered as part of the Department of Building Inspection (DBI) review process. Background information provided to DBI would provide information regarding the steps required to be taken for the security and stability of adjoining properties as well as the project site during construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code. Any changes incorporated into the foundation design required to meet the Building Code standards that are identified as a result of the DBI review process would constitute minor modifications of the project and would not require additional environmental analysis. In light of the above, the proposed development project would not result in a significant impact related to seismic and geologic hazards.

⁸ SF Planning Department, Shadow Fan for BOS File 180389, June 20, 2018.

⁹ According to the 2010 Census, San Francisco's average household size is 2.26 persons.

Hazardous Materials. The Lots are not included on a list of hazardous materials sites compiled by the California Department of Toxic Substance Control pursuant to Government Code Section 65962.5, nor are the Lots located in a Maher Area, meaning that they are known or suspected to contain contaminated soil and/or groundwater. The hypothetical mixed-use residential project would not include any industrial or other uses that would be anticipated to require the storage and/or use of hazardous materials.

Mineral, Energy, Agricultural and Forestry Resources. The project site is within designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.95. This designation indicates that there is insufficient information available to designate as any other MRZ, and therefore, it is assumed that no significant mineral deposits exist. Furthermore, according to the San Francisco General Plan, no significant mineral resources exist in all of San Francisco. Development of the hypothetical project would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would comply with current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection.

The Lots are within an urbanized area in the City and County of San Francisco that does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses.

Public Notice and Comment. A “Notification of Project Receiving Environmental Review” was mailed on June 14, 2018 to owners and occupants of properties within a 300 foot radius of the project site and other interested parties. The Planning Department received two comments in response to the notice, which included a request for clarification about the content of the notice, concerns that the lot configuration is inconsistent with the Sanborn maps, concerns that the current zoning is inconsistent with the current uses, and concerns that abolishing the nine-foot legislated setback and rezoning the Lots would be arbitrary and capricious.

CONCLUSION

CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project could not have a significant effect on the environment. As noted above, there is no possibility that the proposed rezoning could have significant environmental impacts. For this reason, the proposed project is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines 15061(b)(3)).