



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2006.1409E
 Project Title: 2200 Market Street
 Zoning: Upper Market NCT, 40-X/50-X
 Block/Lot: 3560/001
 Lot Size: 8,050 square feet
 Project Sponsor: Reza Khoshnevisan, Sia Consulting, (415) 922-0200
 Staff Contact: Don Lewis, (415) 575-9095, don.lewis@sfgov.org

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 CA 94103-2479

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PROJECT DESCRIPTION:

The proposed project involves the demolition of a one-story, approximately 2,900-square-foot, commercial building and an adjacent 10-space surface parking lot for the construction of a new, 50-foot-tall, five-story, mixed-use building totaling approximately 36,600 square feet (sf). The project would include 22 dwelling units totaling approximately 22,110 sf, approximately 4,817 sf of ground floor commercial space, and a 13-space subterranean garage for residential use with vehicle ingress/egress on 15th Street. The project site is located on a triangular block on the northwestern side of Market Street, on the block bounded by 15th Street to the north and Noe Street to the south, and is within the Upper Market Neighborhood Commercial Transit (NCT) zoning district and 50-X height and bulk district and the Market Octavia Area Plan. The Upper Market NCT allows for a Special Height Exception of an additional 5 feet of height for ground floor active uses. The proposed project would require Planning Commission authorization since the size of the commercial use is greater than 3,000 square feet and because more than 0.5 parking spaces would be provided per residential unit.

EXEMPT STATUS:

Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]

REMARKS:

See reverse side.

DETERMINATION:

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



 BILL WYCKO
 Acting Environmental Review Officer

September 17, 2008
 Date

CC: Reza Khoshnevisan, Project Contact
 Delvin Washington, SW Quadrant
 Supervisor Bevan Dufty

Bulletin Board
 M.D.F.
 Historic Preservation List

2006.1409E

REMARKS (continued):

In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department determined that the building located on the project site is not an historical resource. As described in the attached Historic Resource Evaluation Response (HRER) Memorandum, the property at 2200 Market Street was evaluated in March 2007 as part of the Historic Resource Survey associated with the Market and Octavia Area Plan and does not appear eligible for listing in the California Register as either an individual resource or as a contributor to a historic district.¹ Local San Francisco Landmark #200 (Path of Gold Light Standards) begins at 1 Market Street and ends at 2490 Market Street, and includes the block face of the proposed project.

The existing one-story, commercial building on the subject property, which is presently occupied by a Thai Restaurant, was constructed in 1950. James and Sadie McLaughlin appear to have been the original owners of the subject building and when they purchased the property in 1923, an auto supply store was located on the lot. Research has not revealed information indicating that any of its owners or occupants were associated with events or persons that have made significant contributions to broad patterns of history. The existing building has a peaked roof with geometric siding located in the center of the building. The building also has a flat roof for a carport and skylights that cover the main dining area of the building. The building may be described as vernacular in style as it does not appear to embody the distinct characteristics of any specific type, period, region, or method of construction. The subject property retains its location, but lacks its design, materials, workmanship, setting, feeling, and association. Market Street at this location is characterized by mixed architectural character and does not appear that the block is within a potential historic district. Therefore, the building does not appear eligible for the California Register as either an individual resource or as a contributor to a historic district. In addition, it is not believed that any CEQA-significant archaeological deposits are present within the project site and the proposed project is not expected to adversely affect archeological resources.

Although the subject property does not appear to be an historical resource for the purpose of CEQA, the block face includes one of the Path of Gold Light Standards (Landmark #200). Pursuant to the submitted project description, implementation of the proposed project would not disturb the historic structure, and clear and specific protection specifications for the lamp post will be submitted with any building permit applications.

The proposed project and the submitted HRER were presented to the Landmarks Preservation Advisory Board (LPAB) for review and comment at a public hearing held on June 6, 2007. The LPAB concurred with the findings of the HRER, and considers the subject building not eligible for listing on the California Register and not an historical resource for the purposes of CEQA.

¹ Memorandum from Sophie Middlebrook, Preservation Technical Specialist, to Virna Bryd, Planning Staff, Major Environmental Analysis, June 11, 2007.

In-Fill Development- California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects which meet the following conditions:

a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The proposed project would be consistent with the San Francisco General Plan and with applicable zoning designations. The site is located within the Upper Market Neighborhood Commercial Transit (NCT) district where the proposed density of development and uses would be permitted. The Upper Market NCT district does not have a residential density limit by lot area. The proposed project would construct 22 new residential units. Usable open space for dwelling units in the Upper Market NCT under San Francisco Planning Code (Planning Code) Section 732.93 requires 60 square feet of open space per unit if private, or 80 square feet if common. The proposed project would provide approximately 3,080 square feet of common open space and approximately 874 square feet of private open space. Pursuant to the recently adopted Market and Octavia Area Plan, minimum parking requirements have been eliminated and replaced by caps on the amount of parking permitted in new development. Thus, off-street parking for the residential and commercial components of this project is not required. In the Upper Market NCT zoning district, residential parking per dwelling unit would principally permit up to 0.5 parking spaces, conditionally permit up to 0.75 parking spaces, and would not be permitted above 0.75 parking spaces for each dwelling unit. For non-residential parking, no minimum is required and generally Section 151 minimum requirements become maximum caps, so it would be a maximum of 1 space per 1,500 square feet of occupied floor area. The project proposes 13 parking spaces for residential use which would be a conditional use since the project would provide more than 0.5 of a parking space per the 22 residential units proposed. The proposed project would be consistent with all applicable zoning plans and policies.

b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The 0.19-acre (8,050 square feet) project site is located within a fully developed area of San Francisco. The surrounding uses consist of mixed-use residential and commercial buildings. Thus, the proposed project would be properly characterized as an in-fill development surrounded by urban uses.

c) *The project site has no habitat for endangered, rare or threatened species.*

The project site is within a fully developed urban area that is completely covered with existing buildings and paved surfaces, and does not provide habitat for any rare or endangered plant or animal species.

d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic: Using the Planning Department's 2002 Transportation Impact Analysis Guidelines for Environmental Review (October 2002), the proposed project is estimated to generate approximately 915 daily person-trips. Of these, about 98 daily person-trips would be during the PM peak-hour. These daily trips would be distributed among various modes of transportation, including 535 vehicle trips, 117 transit trips, 238 walking person-trips, and 26 by "other means." Based on the mode split and average automobile occupancy of 1.05 persons per vehicle² for the proposed area, there would be about 319 daily vehicular trips of which 35 would be during the PM peak-hour. This additional traffic would not be substantial relative to the existing capacity of the surrounding street system and would be mostly undetectable to residents and drivers in the area. Therefore, the proposed project would not result in any significant adverse traffic impacts.

As described above, the proposed project would not be required to provide off-street parking spaces, and 13 subterranean parking spaces are proposed, with access from 15th Street. Based on the 2002 Transportation Impact Analysis Guidelines for Environmental Review, demand for parking would be 56 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, day to night, month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents, should however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines §15131a). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by public transit, which provides alternatives to auto travel. Therefore, the creation of, or increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not be considered a significant effect.

² 2000 Census – Journey to Work Data for Census Tract 178, available at www.census.gov.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

Noise: An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity. The noise generated by the occupants of the proposed new buildings would be considered common and generally acceptable in an urban area, and would not be considered a significant impact. The proposed construction could generate noise and possibly vibration that may be considered an annoyance by occupants of nearby properties. Construction noise is regulated under Article 29 of the City's Police Code, and would be temporary and intermittent in nature. Considering the above discussion, the proposed project would not result in a significant impact with respect to noise.

Air Quality: The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. These thresholds are based on the minimum size of projects that the District considers capable of producing air quality problems due to vehicle emissions or stationary sources of pollution. The BAAQMD considers residential projects greater than 510 apartment units, office projects greater than 280,000 gsf, and retail development greater than 87,000 gsf to result in potentially significant vehicular emission impacts. The proposed project would create 22 residential units with 4,817 square feet of ground floor commercial space and would not exceed the minimum standards. Therefore, no significant air quality impacts would be generated by the proposed project.

Water Quality: The proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not result in significant water quality impacts.

e) *The site can be adequately served by all required utilities and public services.*

The project site is located in a dense urban area where all public services and facilities are available; no expansion of public services or utilities is anticipated.

Visual Quality: Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not have such change. As described above, the proposed building envelope meets Planning Code requirements for the Upper Market NCT zoning district.

The proposed project would be visible from some residential buildings within the project site vicinity, and could create a shadow and increased shade on private property. Although some reduced private views and increased shade on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA.

Shadow: Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet. To determine whether this project would comply with Section 295, a shadow fan analysis was prepared by the Planning Department. This analysis determined that the proposed project would not cast a new shadow on any properties protected by Section 295.³

Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on June 11, 2008 to owners and occupants of properties within 300 feet of the project site. Six members of the public expressed their concerns relating to the driveway being located on 15th Street, the potential loss of on-street parking, an increase in traffic, loss of private views, and height and mass of the proposed building. Planning Code Section 732.13(c) restricts parking and loading access on Market Street, thus 15th Street is the appropriate location for vehicle access. Parking and traffic issues were discussed under "Traffic" and on page 3 regarding consistency with applicable general plan and zoning designations. Loss of private views were discussed under "Visual Quality," and as mentioned above, the height and mass of the proposed building is consistent with the subject parcel's zoning designation.

Conclusion

CEQA State Guidelines Section 15332, or Class 32, allows for an exemption of an in-fill development meeting various conditions. As described above, the proposed project is an in-fill development that would have no significant adverse environmental effects and would meet all the various conditions prescribed by Class 32. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15332. In addition, the project was found to comply with Section 295 of the San Francisco Planning Code.

³ Elizabeth Watty, "Case No. 2007.1409K Shadow Analysis," to Reza Khoshnevisan, Project Sponsor, 2200 Market Street, February 1, 2007. This document is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2006.1409E.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project would not have a significant effect on an historic resource and there are no other unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant environmental effect. The proposed project is an in-fill development that meets the above conditions, and would have no significant environmental effects.

For the above reasons, the proposed project is appropriately exempt from environmental review.



PLANNING DEPARTMENT

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MEMORANDUM: Historic Resource Evaluation Response

MEA Planner: Don Lewis	Planning Department Reviewer: Sophie Middlebrook
Project Address: 2200 Market Street	415-558-6372
Block: 3560	sophie.middlebrook@sfgov.org
Case No.: 2006.1409E	
Date of Review: June 11, 2007	

Preparer / Consultant	Owner
Name: Michelle Taylor	Name: Leticia Luna
Company: Sia Consulting	Company:
Address: 1256 Howard Street San Francisco, CA 94103	Address: 3140 Market Street San Francisco, CA 94110
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PROPOSED PROJECT

- Demolition
- Alteration

Project description:

The proposed project is to demolish the building located on lot 001 in Assessor's Block 3560, in order to construct a new, six-story, mixed-use building with twenty dwelling units over 5,000 square feet of commercial space. The proposed project includes fifteen off-street parking spaces.

Pre-Existing Historic Rating / Survey

According to information provided by the County Assessor's office, the existing structure located on the subject property was constructed in 1950. The subject building is not included on the National or the California Registers. The subject property was evaluated in March 2007 as part of the Historic Resource Survey associated with the Market and Octavia Area Plan. During the 2007 survey, the property was assigned a National Register Status Code of 6Z, or ineligible for the National Register. Local San Francisco Landmark #200 (Path of Gold Light Standards) begins at 1 Market Street and ends at 2490 Market Street, and includes the block face of the proposed project. The subject building is within the Upper Market zoning district and a 50-xheight and bulk district.

Historic District / Neighborhood Context

The subject property is located in the Upper Market area on a triangular block on the west side of Market Street, bounded by 15th Street to the north and Noe Street to the south. Market Street at this location is characterized by mixed uses and mixed architectural character, and includes buildings such as a motel, a gas station, and two- and three-story apartment buildings. It does not appear that the block is within a potential historic district for the purposes of CEQA.

The submitted Historic Resource Evaluation does not address the impact of the proposed project to San Francisco Landmark #200, known as the "Path of Gold Light Standards."

1.) California Register Criteria of Significance: **Note,** a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

- **Event:** or Yes No Unable to determine
- **Persons:** or Yes No Unable to determine
- **Architecture:** or Yes No Unable to determine
- **Information Potential:** Further investigation recommended.
- **District or Context** Yes, may contribute to a potential district or significant context

If Yes; Period of significance:

Notes: The proposed project and the submitted Historic Resource Evaluation were presented to the Landmarks Preservation Advisory Board (LPAB) for review and comment at a public hearing held on June 6, 2007. The LPAB concurred with the findings of the Historic Resource Evaluation, and considers the subject building not eligible for the California Register. A letter with the comments of the LPAB is attached to this memo.

It does not appear that the subject property is eligible for the California Register based on any of the 4 criteria for evaluation:

Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

The existing commercial building does not appear to be associated with a specific event that has made a significant contribution to broad patterns of local or national history.

Criterion 2: It is associated with the lives of persons important in our local, regional, or national past;

City Directories, Census records, and newspaper archives were consulted, and James and Sadie McLaughlin appear to have been the original owners of the subject building, constructed in 1950. The McLaughlins purchased the property in 1923, when an auto supply store was located on the lot. No persons of known historical significance appear to have been associated with the subject property.

Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;

The building located at 2200 Market Street is a wood clad, one-story, contemporary commercial building that is presently occupied by a Thai restaurant. The building has a peaked roof with geometric siding located in the center of the building. To the west of the peaked roof is the flat roof of a carport, and to the east of the peaked center portion of the roof is a smaller roof peak with skylights that cover the main dining area of the building. The building may be described as vernacular in style, and does not appear to embody the distinctive characteristics of any specific type, period, region, or method of construction.

Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;

It does not appear that the subject property is likely to yield information important to a better understanding of prehistory or history.

2.) Integrity is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

location,	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	setting,	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
design,	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	feeling,	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
materials,	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	association.	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
workmanship	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

Notes:

As noted above, it does not appear that the subject property is a historic resource for the purposes of CEQA. The building does not convey historic significance through its form, massing, or architectural detailing.

3.) DETERMINATION Whether the property is an "historical resource" for purposes of CEQA

<input checked="" type="checkbox"/> No Resource Present (Go to 6. below)	<input type="checkbox"/> Historical Resource Present (Continue to 4.)	<input type="checkbox"/> Category A (1/2)
		<input type="checkbox"/> Category B
		<input type="checkbox"/> Category C

4.) If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

- The project appears to meet the Secretary of the Interior's Standards. (go to 6. below)
(Optional) See attached explanation of how the project meets standards.
- The project is **NOT** consistent with the Secretary of the Interior's Standards and is a significant impact as proposed. (Continue to 5. if the project is an alteration)

Notes:

Although the subject property does not appear to be an historical resource for the purposes of CEQA, it is important to note that any proposed plan should include detailed specifications that describe how the lamp post, part of San Francisco Landmark # 200, located in part in front of 2200 Market Street, will be protected during construction.


5.) Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

6.) Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

Yes No Unable to determine

Notes: As noted above, any construction activities may have an adverse effect on San Francisco Landmark #200. Clear and specific protection specifications for the lamp post should be submitted with any building permit applications.

PRESERVATION COORDINATOR REVIEW

Signature 
Mark Luellen, Preservation Coordinator

Date: 6.21.07

Cc Sonya Banks, Recording Secretary, Landmarks Preservation Advisory Board
Virna Byrd / Historic Resource Impact Review File
Rick Crawford, Neighborhood Planner, SW Quadrant



Landmarks Preservation Advisory Board

City and County of San Francisco • 1650 Mission Street, Suite 400 • San Francisco, California • 94103-2479

June 6, 2007

Mr. Paul Maltzer
Environmental Review Office
San Francisco Planning Department
1650 Van Ness Avenue
San Francisco, CA 94103-2479

Dear Mr. Maltzer,

On June 6, 2007, the Landmarks Preservation Advisory Board (Board) held a public hearing and took public comment on the submitted Historic Resource (HRE), submitted to the Planning Department in January 2007, for the proposed project located at 2200 Market Street. The public hearing was held in order to provide review and comment to the Department prior to the issuance of the Department's Historic Resource Evaluation Response memo (HRER).

At the public hearing, the Board sought to provide comments that would help the Department determine:

- Whether the subject property is an historical resource for the purposes of CEQA;
- If so, whether the proposed project complies with the Secretary of the Interior's *Standards and Guidelines for the Treatment of Historic Properties (Standards)*;
- If the proposed project does not meet the Standards, whether and what alterations may be made in order to bring the proposed project into compliance with the *Standards*.

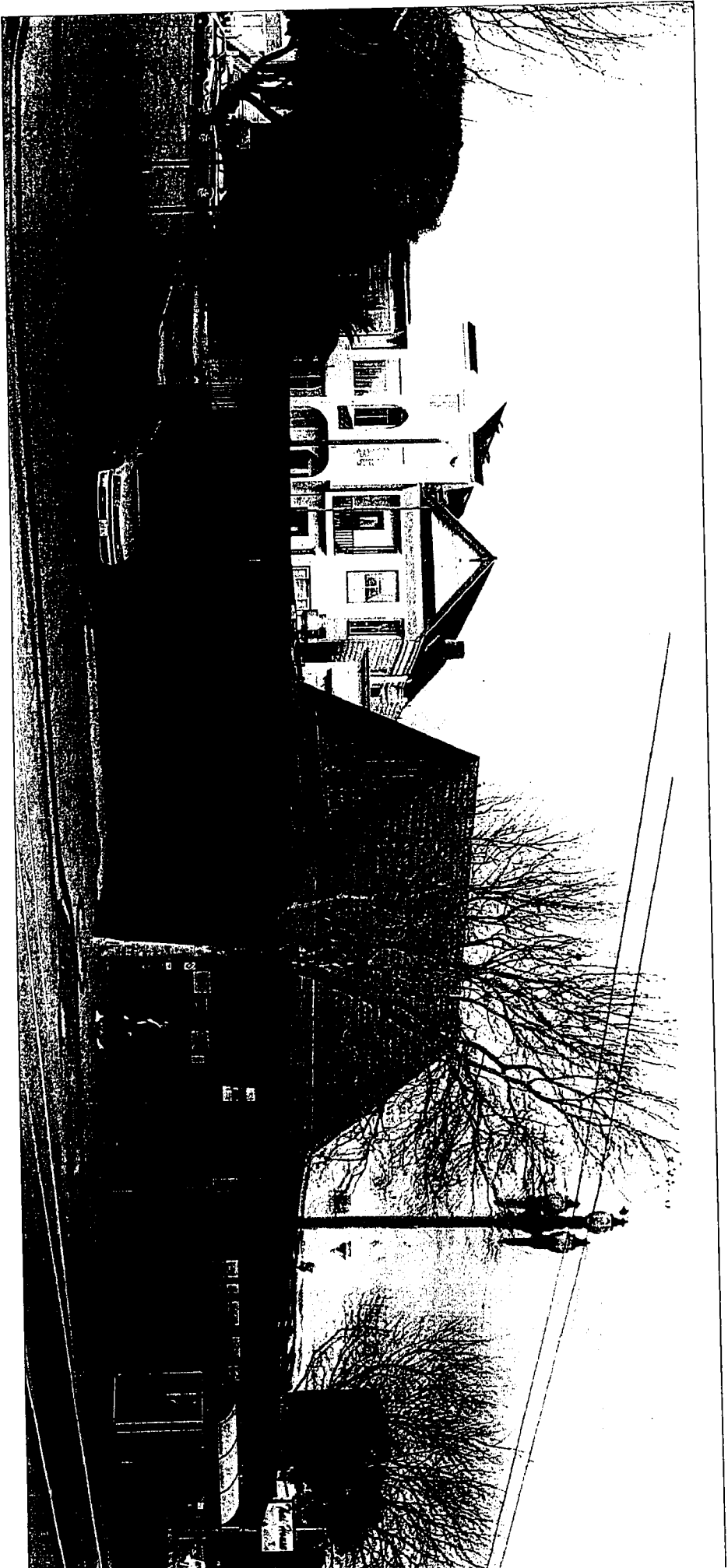
After discussion the Board arrived at the comments below:

- The Board concurs with the findings of the submitted HRE and considers the subject property not eligible for listing on the California Register and not an historical resource for the purposes of CEQA.
- The Board recommends that the HRE include a more fully developed discussion of both the subject building's history of use, and the car-oriented building typology fairly common along this upper portion of Market Street.

The Board appreciates the opportunity to participate in early review of the Historic Resource Evaluation, and looks forward to the publication of the Environmental Impact Report.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Cherry".



2200 Market St: Market Street Facade