



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Community Plan Evaluation

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*Case No.:* 2016-000601ENV  
*Project Address:* 225-227 Shipley Street  
*Zoning:* MUR (Mixed Use-Residential)  
45-X Height and Bulk District  
*Block/Lot:* 3753/098 and 3753/099  
*Lot Size:* 3,750 square feet/0.09 acres (combined lots)  
*Plan Area:* Eastern Neighborhoods Area Plan (East SoMa)  
Central SoMa  
*Project Sponsor:* William Pashelinsky  
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*Staff Contact:* Jennifer McKellar  
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### PROJECT DESCRIPTION

The project site is located on the south side of Shipley Street within the block bounded by Shipley, 5th, Clara and 6th streets in San Francisco's South of Market (SoMa) neighborhood. The site comprises two vacant 25- by 75-foot-wide rectangular-shaped lots totaling 3,750 square feet.

The project proposes to merge the two lots and construct a 45-foot-tall (55-foot-tall including penthouse), four-story, 11,496-square-foot residential building with nine residential units (five one-bedroom units and four two-bedroom units). No off-street vehicle parking is proposed, however, nine class 1 bicycle parking spaces would be provided on the ground floor at the rear of the building and within an accessory building located in the rear yard. The existing curb cut on Shipley Street would be removed.

(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 Gibson  
Environmental Review Officer

10/10/17  
\_\_\_\_\_  
Date

cc: William Pashelinsky, Project Sponsor; Supervisor Jane Kim, District 6; Ella Samonsky, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

Usable open space for the residents of the proposed project would be provided in the form of a common roof deck, a private rear deck for the rear ground-level unit, private balconies for the north-facing units on the second and third floors and a private terrace for the fourth floor unit.

Construction of the proposed project is expected to last 13 months. The proposed building would be supported by a steel reinforced concrete mat slab on improved soil. The site soil would be improved by injecting grout piers, measuring approximately three feet in diameter, into the existing soil in a five- to ten-foot grid pattern to an approximate depth of 15 feet. Construction of the proposed project would require excavation over a 1,350-sf area to a maximum depth of two feet below ground surface (bgs) and remove approximately 100 cubic yards of soil.

## PROJECT APPROVAL

If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of a building permit by the Department of Building Inspection (DBI) is the Approval Action. 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 225-227 Shipley 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

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

and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 225-227 Shipley Street.

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 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 has been rezoned to a MUR (Mixed Use-Residential) District. The MUR District serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street. The MUR serves as a major housing opportunity area within the eastern portion of the South of Market district. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and

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<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, <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 1, 2017.

<sup>3</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008, <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed June 1, 2017.

<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.

residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Evaluation (CPE) Checklist,<sup>5</sup> under Topic 1, Land Use and Land Use Planning. The 225-227 Shipley Street site, which is located in the South of Market neighborhood of the Eastern Neighborhoods, was designated as a site with building permitted up to 45 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 225-227 Shipley 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 225-227 Shipley Street project, and identified the mitigation measures applicable to the 225-227 Shipley 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>6,7</sup> Therefore, no further CEQA evaluation for the 225-227 Shipley Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project vicinity is characterized by residential, mixed-use residential/commercial, commercial, production, distribution, and repair (PDR), and institutional uses. The residential and mixed-use buildings range in height from one- to nine-stories, the majority of which are multi-family apartment buildings. The commercial and PDR buildings range in height from one- to four-stories and consist predominantly of automotive repair, automotive service and automotive wash uses, but also include business services, wholesale sales, restaurant and public parking lot uses. Institutional uses in the area include San Francisco Fire Department No. 1, located one-half block northwest of the project site, and City Life Church, located one-half block southwest of the project site. The Gene Friend Recreation Center and Victoria Manalo Draves Park, situated approximately one block northwest and southwest, respectively, of the project site, provide publically accessible open space to the neighborhood.

The project vicinity is well served by public transportation. Within one-quarter mile of the project site, the San Francisco Municipal Transportation Agency (Muni) operates the following bus routes: 8 Bayshore, 8AX Bayshore A Express, 8BX Bayshore B Express, 12 Folsom/Pacific, 14X Mission Express, 27 Bryant, 30 Stockton, 45 Union/Stockton and 47 Van Ness. In addition, the Caltrain-San Francisco terminal and the Bay Area Rapid Transit (BART)-Powell Street station are located within one-half mile of the project site.

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<sup>5</sup> San Francisco Planning Department, *Initial Study—Community Plan Evaluation: 225-227 Shipley Street (2016-000601ENV)*, September 27, 2017. This document is also known as the “CPE Checklist” and is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2016-000601ENV.

<sup>6</sup> San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 225-227 Shipley Street*, March 13, 2017. 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. 2016-000601ENV.

<sup>7</sup> San Francisco Planning Department, *Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 225-227 Shipley Street*, February 1, 2017.

**POTENTIAL ENVIRONMENTAL EFFECTS**

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 225-227 Shipley 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 225-227 Shipley 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 detailed in the CPE Checklist, the proposed project at 225-227 Shipley Street would not contribute to any significant and unavoidable impacts related to land use, historic architectural resources, transportation and circulation, and shadow for the following reasons: (1) the proposed project is consistent with the height, density and land uses established in the Eastern Neighborhoods Rezoning and Area Plans and would not eliminate any existing PDR uses; (2) the project site consists of two vacant lots and is not located within a designated historic district, and therefore, would not demolish or impact any historic architectural resources; (3) the proposed project would not generate substantial additional Vehicle Miles Traveled (VMT), or result in unacceptable levels of transit service, or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result, or contribute considerably to 2035 cumulative transit conditions, and it is not located within an airport land use plan area, or in the vicinity of a private airstrip; and finally, (4) the proposed project would not cast any new shadows on any Section 295 properties or publically accessible open spaces.

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 is not proposed	Not applicable
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction (see Project Mitigation Measure 2)
F-3: Interior Noise Levels	Not Applicable: impacts of the environment on proposed	Not Applicable

Mitigation Measure	Applicability	Compliance
	projects removed from CEQA analysis	
F-4: Siting of Noise-Sensitive Uses	Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis	Not Applicable
F-5: Siting of Noise-Generating Uses	Not Applicable: The proposed project does not include noise-generating uses	Not Applicable
F-6: Open Space in Noisy Environments	Not Applicable: Impacts of the environment on proposed projects removed from CEQA analysis	Not Applicable
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not Applicable: the regulations and procedures set forth by the San Francisco Dust Control Ordinance supersede the dust control provisions of PEIR Mitigation Measure G-1; in addition, the project site is not located within an identified Air Pollutant Exposure Zone, and therefore, the remainder of Mitigation Measure G-1 that requires the minimization of construction exhaust emissions is not applicable	Not Applicable
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by Health Code Article 38	Not Applicable
G-3: Siting of Uses that Emit DPM	Not Applicable: the project does not include uses that emit DPM	Not Applicable
G-4: Siting of Uses that Emit other TACs	Not Applicable: the project does not include uses that emit TACs	Not Applicable
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: the project site is not located in an area for which a previous archeological	Not Applicable

Mitigation Measure	Applicability	Compliance
	study has been conducted	
J-2: Properties with no Previous Studies	Applicable: the project site is located in an area for which no previous archeological study has been conducted	The Planning Department has conducted a Preliminary Archeological Review. The project sponsor has agreed to implement a mitigation measure related to the accidental discovery of archeological resources (see Project Mitigation Measure 1)
J-3: Mission Dolores Archeological District	Not Applicable: the project site is not located in the Mission Dolores Archeological District	Not Applicable
<b>K. Historical Resources</b>		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	Not Applicable
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	Nor Applicable
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	Not Applicable
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Not Applicable: the project does not include demolition of an existing building	Not Applicable
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable

Mitigation Measure	Applicability	Compliance
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	Not Applicable
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	Not Applicable
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	Not Applicable

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

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on March 8, 2017, to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis.

In response to the March 2017 notification, the Planning Department received comments from four members of the public. One comment expressed concern that the project would lead to an increase in parking congestion because the project provides no off-street vehicle parking. However, as discussed under "Aesthetics and Parking" in the CPE Checklist, the proposed project is a transit-oriented, residential, infill project, and therefore, in accordance with CEQA Section 21099, parking shall not be considered in determining potential significant environmental effects.

Another comment requested that the two existing trees on the project site be retained to “preserve some bird habitat and fresh air” on the site. However, as discussed under Topic 12, Biological Resources, in the CPE Checklist, the project site is located in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species, and therefore, removal of the two existing trees would not result in significant impacts on biological resources.

An additional comment raised concerns that project-related excavation may lead to flooding of the project site and adjacent properties. Pursuant to the geotechnical investigation for the proposed project, groundwater at the project site was encountered at nine feet below grade. The proposed project would require excavation of 100 cubic yards of soil to a maximum depth of two feet below ground surface; ground water would not be disturbed at this shallow depth. In addition, based on the recommendation in the geotechnical report, the site may be improved by injecting geo-grout to depths of up to 15 feet to prevent settlement. During this process some ground water may be displaced but is not anticipated to cause flooding. As discussed in the Eastern Neighborhoods Rezoning and Community Plans Initial Study<sup>8</sup> associated with the Eastern Neighborhoods PEIR, project-related effects on water resources, including flooding, were determined to be less than significant. The project site is located within an area of the City identified as flood-prone. As discussed under Topic 14, Hydrology and Water Quality, the City has implemented a review process to avoid flooding problems caused by the relative elevation of the structure to the hydraulic grade line in the sewers. Therefore, the project would result in a less-than-significant impact on wastewater systems.

The remaining public comments involved requests for continued notification of all environmental documents associated with the project and, in one case, highlighted the project site’s presence within the Youth and Family Zone Special Use District. The South of Market (SoMa) Youth and Family Special Use District, which is described in section 249.40A of the Planning Code, is intended to expand the provision of affordable housing in designated areas within the SoMa neighborhood. However, although the project site is located within this Special Use District, the proposed project is not subject to section 249.40A because it would construct less than ten dwelling units.

Therefore, 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 CPE Checklist:

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;

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<sup>8</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, <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 1, 2017.

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.