



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.: 2013.1520E
Project Address: 155 De Haro Street
Zoning: PDR-1-G (Production, Distribution, Repair - General) Zoning District
58-X Height and Bulk District
Block/Lot: 3913/005
Lot Size: 40,741 square feet
Plan Area: Eastern Neighborhoods Area Plan
Project Sponsor: Harvey Hacker, Harvey Hacker Architects, (415) 957-0579
Staff Contact: Don Lewis – (415) 575-9168
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PROJECT DESCRIPTION

The project site is located on the east side of De Haro Street between Berry and 15th streets in the Potrero Hill neighborhood. The project site is occupied by two 28-foot-tall, one-story, industrial warehouse structures that total approximately 16,900 square feet in size with 20 off-street parking spaces along De Haro Street. The existing structures were both constructed in 1969. One structure fronts on De Haro Street at the front of the lot, which is currently being used as a fire sprinkler supply and distribution warehouse, and the other structure that fronts on Carolina Street at the rear of the lot, is currently being used as a towing services headquarters. The proposed project includes the renovation of both structures and the horizontal expansion of 15,405 square feet in order to adjoin the two structures into one.

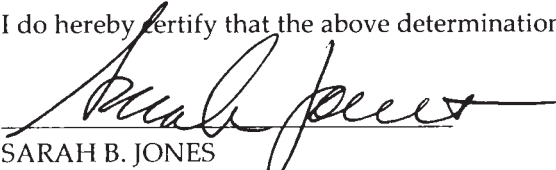
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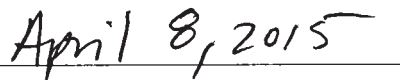
EXEMPT STATUS

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


Date

cc: Harvey Hacker, Project Sponsor; Supervisor Malia Cohen, District 10; Jeffrey Speirs, Current Planning Division; Virna Byrd, M.D.F; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed use of the entire project site would be wholesale furniture sales. The finished building would be a 28-foot-tall, one-story with mezzanine, industrial warehouse structure approximately 32,330 square feet in size with 31 off-street parking spaces, one freight loading space, three Class 1 bicycle spaces, and two Class 2 bicycle spaces. Access to the project site would be from five curb cuts located on De Haro Street. The renovation of the existing structures includes new exterior siding, windows, and mezzanine levels. The proposed project would also include new landscaping and ten new street trees along De Haro Street. During the approximately 9-month construction, the proposed project would require two feet of excavation below ground surface and approximately 45 cubic yards of soil is proposed to be removed from the project site. The project site is located within the Showplace Square/Potrero Hill area of the Eastern Neighborhoods Plan Area.

PROJECT APPROVAL

The proposed project at 155 De Haro Street would require a Building Permit from the Department of Building Inspections (DBI) for the proposed construction on the subject property. The issuance of the building permit by DBI is the Approval Action. 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: 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 155 De Haro Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR).¹ 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.

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 155 De Haro 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.^{2,3}

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.

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 from M-2 (Heavy Industrial) to PDR-1-G (Production, Distribution and Repair-1-General) Use District. The PDR-1-G District is intended to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this district prohibits residential and office uses and limits retail and institutional uses. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use and Land Use Planning. The 155 De Haro Street site, which is located in the Showplace Square/Potrero Hill area of the Eastern Neighborhoods, was designated as a site with a building up to 58 feet in height.

² San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed February 26, 2015.

³ San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed February 26, 2015.

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 155 De Haro Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 155 De Haro Street project, and identified the mitigation measures applicable to the 155 De Haro Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{4,5} Therefore, no further CEQA evaluation for the 155 De Haro Street project is required. In sum, the Eastern Neighborhoods PEIR 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 is located on a flat, irregularly-shaped lot on the east side of De Haro Street between Berry and 15th streets in the Potrero Hill neighborhood. The property immediately adjacent to the south consists of a one-story industrial warehouse structure being used as a gym/martial arts studio and for an interior design business. The property immediately adjacent to the north consists of a one-story industrial warehouse structure being used for auto repairs. The surrounding area around the project site is characterized by a mix of industrial, office, and commercial uses that include contemporary art/furniture dealers and showrooms. Building heights in the project vicinity range from one to two stories. The California College of Arts campus is located to the east of the project site, and there is a Recology Golden Gate headquarters to the northeast of the project site which includes a parking lot for their garbage trucks. All of the surrounding parcels are within either the PDR-1-G or PDR-1-D zoning district, and height and bulk districts within a two-block radius range from 58-X to 68-X.

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 155 De Haro 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 155 De Haro 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.

⁴ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 155 De Haro Street, February 19, 2015. This document, and other cited documents, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1520E.

⁵ Joslin, Jeff, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 155 De Haro Street, March 6, 2015.

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. The proposed project would increase the amount of PDR use at the project site and therefore would not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. The proposed project would renovate two existing structures that were determined not to be historic resources by Preservation staff; therefore, alteration of the existing structures would not result in a significant impact on historic resources. Traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. A shadow study was not required for the proposed project because the height of the proposed building would be 28 feet.

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
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed.	N/A
F-2: Construction Noise	Not Applicable: pile driving not proposed.	N/A
F-3: Interior Noise Levels	Not Applicable: project would not add noise sensitive uses.	N/A
F-4: Siting of Noise-Sensitive Uses	Not Applicable: project would not add noise sensitive uses..	N/A
F-5: Siting of Noise-Generating Uses	Not Applicable: project would not include excessive noise-generating uses.	N/A
F-6: Open Space in Noisy Environments	Note Applicable: project would not add open spaces for noise sensitive uses.	N/A
G. Air Quality		
G-1: Construction Air Quality	Not Applicable: project would comply with the San Francisco Dust Control Ordinance.	N/A
G-2: Air Quality for Sensitive Land Uses	Not Applicable: project site is not in the Air Pollutant Exposure Zone.	N/A

Mitigation Measure	Applicability	Compliance
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed wholesale furniture sales uses would not emit substantial levels of DPM.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed wholesale furniture sales uses would not emit substantial levels of other TACs.	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: project site does not contain any previous archaeological studies.	N/A
J-2: Properties with no Previous Studies	Applicable: project site is located in an area with no previous archaeological studies.	The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located within the Mission Dolores Archeological District.	N/A
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area	Not Applicable: plan-level mitigation completed by Planning Department	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: project involves alteration of existing buildings.	The project sponsor has agreed to ensure that any equipment

Mitigation Measure	Applicability	Compliance
		containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of demolition.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA	N/A
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA	N/A
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA	N/A
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	N/A

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measure. With implementation of this mitigation measure 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 January 21, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. No comments were received.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁶:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

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

⁶ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1520E.

**Attachment A:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Includes Text for Adopted Mitigation Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FROM THE EASTERN NEIGHBORHOODS AREA PLAN EIR				
<p>PMM-1 – Hazardous Building Materials (Mitigation Measure L-1 of the Eastern Neighborhoods PEIR). The project sponsor shall ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project sponsor/contractor	Prior to demolition of structures	Project Sponsor/contractor shall submit a monitoring report to the Department of Public Health and Planning.	Considered complete upon receipt of final monitoring report.