



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Office Development Authorization

HEARING DATE: JUNE 28, 2012

Date: June 21, 2012
Case No.: **2012.0041B**
Project Address: **444 De Haro Street**
Zoning: UMU (Urban Mixed Use) Zoning District
48-X Height and Bulk District
Block/Lot: 3979/001
Project Sponsor: Jeffrey Needs, Winthrop Management BPCC
201 California Street, Ste. 930
San Francisco, CA 94111
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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Reception:
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415.558.6377

PROJECT DESCRIPTION

The proposal is to convert approximately 90,500 gross square feet on the ground and second floors of the existing building at 444 De Haro Street into office use. Currently, the building possesses a total of 164,000 gross square feet (gsf), of which 24,000 sq ft is dedicated to a below-grade, off-street parking area. In 1984, the subject building received authorization for 49,500 gsf of office use. Currently, the building is occupied by various tenants. There are no exterior alterations proposed with this application. In support of the project, the Project Sponsor has submitted a Historic Building Maintenance Plan. The approval would result in a total of 140,000 gsf of approved office use in the subject building.

SITE DESCRIPTION AND PRESENT USE

The subject property occupies the entire block bounded by 17th, De Haro, Mariposa, and Rhode Island Streets. Historically known as the Western Can Co., the subject building is a two-story, reinforced concrete warehouse that was originally constructed in 1927. Originally, the subject property was two separate industrial buildings that were joined in 1985, and subsequently, converted from warehouse into showroom and office use. Also located on the subject lot is a two-story, wood-frame building located at the northeast corner of De Haro and Mariposa Streets, which is not part of the proposed project. Currently, the subject property is used as a combination of showroom and offices. As part of the Showplace Square/Northeast Mission Historic Resource Survey, the subject property was determined individually eligible for listing in the California Register of Historical Resources (California Register).

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in a mixed-use area within the Showplace Square/Potrero Hill Area Plan. The immediate neighborhood consists largely of medium-scale new construction, old warehouses that have been converted into office and commercial space, and the edges of the Potrero Hill residential neighborhoods. Across from the project site along De Haro Street is the Anchor Steam Brewing Company. To the north and west of the project site are several mixed-use complexes with ground floor retail and residential above. Currently, across from the project site along Rhode Island Street is the Whole Foods Grocery Store. Other zoning districts in the vicinity of the project site include: RH-2 (Residential, House, Two-Family); MUR (Mixed-Use, Residential); and, PDR-1-G (Production, Distribution and Repair-1-General).

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) per Section 15183 as a Project Consistent with a Community Plan, General Plan or Zoning.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 8, 2012	June 8, 2012	20 days
Posted Notice	20 days	June 8, 2012	June 8, 2012	20 days
Mailed Notice	N/A	N/A	June 8, 2012	20 days

The proposal requires a Section 312 neighborhood notification, which was conducted in conjunction with the office allocation process.

PUBLIC COMMENT

- To date, the Department received no public comment on this project.

ISSUES AND OTHER CONSIDERATIONS

- 444 De Haro Street has a total of 165,000 gsf of usable space. In 1985, the subject building received authorized for 49,500 gsf of office development on the ground and second floors. Currently, the subject building has approximately 24,000 gsf of below-grade, off-street parking space. Therefore, the Project Sponsor seeks to convert the remaining 90,500 gsf into office use.
- Within the UMU (Urban Mixed Use) Zoning District, office use is permitted on the ground floor within a property determined eligible for the California Register, pursuant to Planning Code Section 803.9(c). Under this Planning Code section, the Historic Preservation Commission may provide advice to the Zoning Administrator on whether the proposed use would enhance the feasibility of preserving the building. In support of this determination, the Project Sponsor submitted a Historic Building Maintenance Plan. On June 20, 2012, the Historic Preservation Commission (HPC) reviewed

the proposed project and determined the project would enhance the feasibility of preserving the building, as noted in HPC Resolution No. 683.

- The table below shows the estimated amount of each fee due for 90,500 gsf of office space proposed for authorization in this Project.

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT DUE
Transit Impact Development ¹	411 (@ \$2.41)	\$218,105.00
Jobs-Housing Linkage (PDR to Office)	413 (@ \$5.87)	\$531,235.00
Child Care	414 (@ \$1.06)	\$95,930.00
Eastern Neighborhoods (Tier 1; PDR to Office)	423 (@ \$3.18)	\$287,790.00
	TOTAL	\$1,133,060.00

Please note that these fees are subject to change between Planning Commission approval and approval of the associated Building Permit Application.

- As of June 2012, there is approximately 3.7 million square feet of “Large Cap” San Francisco Office Development available under the Section 321 office allocation program.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must authorize the allocation of office space for the 90,500 gross square feet on the ground and second floors pursuant to Planning Code Sections 321, 322, 803.9(c), and 843.66.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable for the following reasons:

- The Project represents an allocation of less than three percent of the large cap office space currently available for allocation.
- The authorization of the office space will allow the existing businesses to remain in the building, which will continue to contribute to the economic activity in the neighborhood.
- At current rates, the project will produce approximately \$1,133,060 in fees that will benefit the community and City.
- The Project will result in further maintenance and upkeep of a historic property.
- The Project is consistent with the Planning Code and General Plan.

RECOMMENDATION: Approval with Conditions
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¹ This fee is an estimate and the final fee shall be determined in consultation with SFMTA.

Attachments:

Draft Motion
Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photographs
Architectural Drawings
HPC Resolution No. 683
Project Sponsor Correspondence
Community Plan Exemption

Attachment Checklist:

- | | |
|---|---|
| <input type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project Sponsor Submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Zoning Administrator Action Memo |

Exhibits above marked with an "X" are included in this packet

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- First Source Hiring (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Child Care Requirement (Sec. 314)
- Downtown Park Fee (Sec. 139)
- Other (Eastern Neighborhoods-Sec. 423 & 426)
- Transit Impact Development Fee (Admin Code)

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Planning Commission Draft Motion

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ADOPTING FINDINGS APPROVING ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2011-2012 ANNUAL OFFICE-DEVELOPMENT LIMITATION PROGRAM FOR THE PROPOSED PROJECT LOCATED AT 444 DE HARO STREET THAT WOULD AUTHORIZE THE CONVERSION OF THE GROUND AND SECOND FLOORS OF THE EXISTING BUILDING FOR A TOTAL OF 90,500 GROSS SQUARE FEET OF OFFICE USE PURSUANT TO PLANNING CODE SECTIONS 321, 322, 803.9(c), AND 843.65 ON ASSESSOR'S BLOCK 3979, LOT 001, IN THE UMU (URBAN MIXED USE) ZONING DISTRICT AND WITHIN THE 48-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 2, 2012, Jeffrey Needs of Winthrop Management BPCC (hereinafter "Project Sponsor"), on behalf of 444 De Haro VEF VI, LLC (Property Owner), filed Application No. 2012.0041B (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Development Authorization to establish the ground and second floors (90,500 gross square feet) of the existing building at 444 De Haro Street for office use.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 15183 as a Project Consistent with a Community Plan, General Plan or Zoning.

On June 28, 2012, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2012.0041B.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Office Development requested in Application No. 2012.0041B, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The subject property occupies the entire block bounded by 17th, De Haro, Mariposa, and Rhode Island Streets. Historically known as the Western Can Co., the subject building is a two-story, reinforced concrete warehouse that was originally constructed in 1927. Originally, the subject property was two separate industrial buildings that were joined in 1985, and subsequently, converted from warehouse into showroom and office use. Also located on the subject lot is a two-story, wood-frame building located at the northeast corner of De Haro and Mariposa Streets, which is not part of the proposed project. Currently, the subject property is used as a combination of showroom and offices. As part of the Showplace Square/Northeast Mission Historic Resource Survey, the subject property was determined individually eligible for listing in the California Register of Historical Resources (California Register).
3. **Surrounding Properties and Neighborhood.** The project site is located in a mixed-use area within the Showplace Square/Potrero Hill Area Plan. The immediate neighborhood consists largely of medium-scale new construction, old warehouses that have been converted into office and commercial space, and the edges of the Potrero Hill residential neighborhoods. Across from the project site along De Haro Street is the Anchor Steam Brewing Company. To the north and west of the project site are several mixed-use complexes with ground floor retail and residential above. Currently, across from the project site along Rhode Island Street is the Whole Foods Grocery Store. Other zoning districts in the vicinity of the project site include: RH-2 (Residential, House, Two-Family); MUR (Mixed-Use, Residential); and, PDR-1-G (Production, Distribution and Repair-1-General).
4. **Project Description.** The proposal is to convert approximately 90,500 gross square feet on the ground and second floors of the existing building at 444 De Haro Street into office use. Currently, the building possesses a total of 164,000 gross square feet (gsf), of which 24,000 sq ft is

dedicated to a below-grade, off-street parking area. In 1984, the subject building received authorization for 49,500 gsf of office use. Currently, the building is occupied by various tenants. There are no exterior alterations proposed with this application. In support of the project, the Project Sponsor has submitted a Historic Building Maintenance Plan. The approval would result in a total of 140,000 gsf of approved office use in the subject building.

5. **Historic Preservation Commission.** On June 20, 2012, the Historic Preservation Commission (HPC) reviewed the proposed project, and provided their recommendation to the Zoning Administrator in HPC Resolution No. 683. The HPC determined the proposed project would enhance the feasibility of preserving the building by providing for a compatible new use and a cyclical maintenance program. The Historic Building Maintenance Plan would improve the viability of preserving the historic building, and would not impact the building's historic integrity or historic status.
6. **Public Comment.** The Department received no public comment on this project.
7. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:

- A. **Development Fees.** The Project is subject to the following development fees: Transit Impact Development Fees per Planning Code Section 411, the Jobs-Housing Linkage Fee per Planning Code Section 413, the Child Care Requirement Fee per Planning Code Section 414, and the Eastern Neighborhoods Community Impact Fee per Planning Code Section 423.

The Project Sponsor shall pay the appropriate Transit Impact Development, Jobs-Housing Linkage, Child Care Requirement, and Eastern Neighborhoods Community Impact fees, pursuant to the aforementioned Planning Code Sections, at the appropriate stage of the building permit application process.

- B. **Open Space.** Planning Code 135.3 outlines the open space requirement for office uses within Eastern Neighborhoods Mixed Use Districts. The proposed project would convert 90,500 gsf of showroom and circulation space into office use, thus creating a total of 140,000 gsf of office use in the subject property. Therefore, the project is required to provide approximately 2,800 sf of open space for this office use.

The Project Sponsor satisfies the open space requirement through an existing garden (measuring approximately 7,300 gsf) located at the southwest corner of the subject lot at Mariposa and Rhode Island Streets.

- C. **Parking.** Planning Code Section 151.1 outlines the schedule of permitted off-street parking spaces in an Eastern Neighborhood Mixed Use Zoning District. In general, off-street accessory parking shall not be required for any use and the quantities specified in the aforementioned planning code section shall serve as the maximum amount of off-street parking spaces.

The Project provides approximately fifty-seven (57) off-street parking spaces within the existing 24,000 gsf, below-grade parking garage. This amount of off-street parking spaces is below the maximum amount allowed on the project site.

- D. **Freight Loading.** Planning Code Section 152.1 outlines the requirements for off-street freight loading spaces within Eastern Neighborhoods Mixed Use Districts. Since the project would add approximately 90,500 sf of office use, one off-street freight loading space would be required.

The Project satisfies this requirement and provides one off-street loading space on the project site through a loading dock located on De Haro Street, near 17th Street.

- E. **Office Use in UMU Zoning Districts.** Planning Code Section 843.65 states that office use is permitted in historic properties, pursuant to Planning Code Section 803.9(c). Under the Planning Code Section 803.9(c), office use is permitted within a property determined eligible for the California Register if the Zoning Administrator, with the advice of the Historic Preservation Commission, determines that allowing the use will enhance the feasibility of preserving the building.

The Zoning Administrator has concurred with the Historic Preservation Commission, and has determined that the proposed office use will enhance the feasibility of preserving the building.

- F. **Office Allocation.** Planning Code Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

A portion of the existing building has been used as office space for more than a decade. There is currently more than 3.7 million gross square feet of available "Large Cap" office space in the City. Additionally, the Project is subject to various development fees that will benefit the surrounding community and the city. The Project is located in close proximity to many public transportation options, including a number of Muni and transit lines. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

The Project is consistent with the General Plan, as outlined in Section 8 below.

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT.

The proposed office space is located within an existing building. The proposed authorization of the office use includes no interior or exterior alterations to the existing building.

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

- a) Use. *The Project is located within the UMU (Urban Mixed Use) Zoning District, which permits office use within historic properties pursuant to Planning Code Section 803.9(c). The subject property was determined eligible for listing in the California Register of Historical Resources, and is located in an area primarily characterized by commercial and light industrial development. There are several mixed use developments in the vicinity, and on blocks to the north and west of the project site.*
- b) Transit Accessibility. *The area is served by a variety of transit options. The project site is within a quarter-mile of various Muni routes. The 10-General Hospital, 19-Fisherman's Wharf, and 22-Fillmore Muni bus lines are located at De Haro and 17th Streets.*
- c) Open Space Accessibility. *The Project contains open space on the subject lot and is located within one block of open space at Jackson Playground.*
- d) Urban Design. *The proposed office space is located in historic property determined eligible for listing in the California Register of Historical Resources. Constructed in 1927 as the Western Can Company, 444 De Haro Street was originally two industrial properties that were joined together and converted to a showroom/office in 1985. The subject property maintains its historic integrity, remains in good condition, and is an excellent example of a building from the 20th-Century Industrial Period.*
- e) Seismic Safety. *The Project does not include any interior or exterior renovations.*

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

- a) Anticipated Employment Opportunities. *The Project includes a total of 90,500 gross square feet of office space. As noted by the Project Sponsor, the additional office square footage will allow for significantly more office tenants, and will create new opportunities for employment.*
- b) Needs of Existing Businesses. *The Project will supply office space in the Showplace Square area, which allows office use within historic properties. Based on the Project Sponsor's*

analysis, the additional office square footage will allow the subject building to accommodate a variety of large and small office tenants.

- c) Availability of Space Suitable for Anticipated Uses. *The Project will provide quality office space that is suitable for a variety of office uses and sizes.*

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

The Project Sponsor has not determined the anticipated tenants.

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS ("TDR's") BY THE PROJECT SPONSOR.

The Project does not include any Transfer of Development Rights.

8. **Section 101.1 Priority Policy Findings.** Section 101.1(b)(1-8) establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies.

The Commission finds and determines that the Project is consistent with the eight priority policies, for the reasons set forth below.

- a) That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

The existing building contains no neighborhood-serving retail uses, nor does the proposal include any retail. Additionally, the building has currently operated in part as office space for more than a decade, and the tenants would create and sustain a demand for neighborhood-serving retail use in the surrounding neighborhood.

- b) That Existing Housing and Neighborhood Character be Conserved and Protected in Order to Preserve the Cultural and Economic Diversity of Our Neighborhoods.

The Project conserves and protects the overall neighborhood character, since the Project does not include any exterior additions to the existing building and will not remove or add any housing. The Project is located in the Showplace Square/Potrero Hill Area Plan, just south of the South of Market neighborhood, and is located within a zoning district that allows office use within historic properties. Other nearby properties function as either commercial or light industrial spaces; therefore, the proposal is consistent with these uses.

- c) The City's Supply of Affordable Housing be Preserved and Enhanced.

There is no existing affordable or market-rate housing on the Project Site. The development will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is consistent with this priority policy.

- d) That Commuter Traffic not Impede Muni Transit Service or Overburden our Streets or Neighborhood Parking.

The area is served by a variety of transit options, including MUNI. It is also near several streets that are part of the City's growing bicycle network. The existing building includes off-street parking, and there are various retail facilities with parking garages in close proximity to the project site. The proposal does not include any new off-street parking spaces. Therefore, the Project should have no significant impact on transit or neighborhood parking.

- e) That a Diverse Economic Base be Maintained by Protecting our Industrial and Service Sectors from Displacement due to Commercial Office Development, and that Future Opportunities for Resident Employment and Ownership in these Sectors be Enhanced.

The Project will continue to provide quality office space that is suitable for a variety of office uses and sizes. This office space will help maintain the local resident employment and demand for neighborhood-serving businesses in the area.

- f) That the City Achieve the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

The Project will not create any new space that does not meet current seismic safety standards.

- g) That Landmarks and Historic Buildings be Preserved.

The subject building at 444 De Haro Street was determined eligible for individual listing in the California Register of Historical Resources. Pursuant to Planning Code Section 803.9(c), the Historic Preservation Commission (HPC) reviewed the proposed project on June 20, 2012. As noted in HPC Resolution No. 683, the HPC determined the proposed project would enhance the feasibility of preserving the historic property.

- h) That our Parks and Open Space and their Access to Sunlight and Vistas be Protected from Development.

The Project does not include any exterior additions to the existing buildings, and there will be no impact to parks, open space, access to sunlight, or vista views.

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 1.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The Project will preserve a historic resource, which has been used in part as office space for over a decade. This authorization of office space will allow the existing office tenants to continue to support the economic vibrancy of the area. Authorization of the office space will also result in the collection of significant development fees that will benefit the community.

SHOWPLACE SQUARE/POTRERO HILL AREA PLAN

Objectives and Policies

OBJECTIVE 1.4:

SUPPORT A ROLE FOR "KNOWLEDGE SECTOR" BUSINESSES IN APPROPRIATE PORTIONS OF SHOWPLACE SQUARE/POTRERO HILL.

Policy 1.4.2:

Allow Knowledge Sector office-type uses in portions of Showplace Square/Potrero Hill where it is appropriate.

The Project will further this objective by providing 90,500 gsf of new office space within an existing building, which already contains approximately 49,500 gsf of existing office space.

OBJECTIVE 3.1:

PROMOTE AN URBAN FORM THAT REFLECTS SHOWPLACE SQUARE AND POTRERO HILL'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 3.1.9:

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The subject building is a historic resource that was determined eligible for listing in the California Register of Historical Resources. The Project would enhance the feasibility of preserving the subject building, as noted within HPC Resolution No. 683. The Project will allow the owner/tenants to expand office use throughout the building, thereby bolstering their ability to maintain and preserve the historic property.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission finds that granting the Project Authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Office Development Application No. 2012.0041B** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated March 12, 2012, on file in Case Docket No. 2012.0041B.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 Office-Space Allocation to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 28, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 28, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for an office allocation to establish 90,500 gross square feet on the ground and second floors for office use at 444 De Haro Street located at Block 3979, Lot 001, pursuant to Planning Code Section(s) **321, 322, 803.9(c), and 843.65** within the **UMU** Zoning District and a **48-X** Height and Bulk District; in general conformance with plans, dated **March 12, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0041B** and subject to conditions of approval reviewed and approved by the Commission on **June 28, 2012** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 28, 2012** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Office Development authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Office Development is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within eighteen months of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Development Timeline - Office. Pursuant to Planning Code Section 321(d) (2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this Office Allocation authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

Transit Impact Development Fee. Pursuant to Planning Code Sections 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Department with certification of fee payment.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Jobs Housing Linkage. Pursuant to Planning Code Sections 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Child Care Requirement. Pursuant to Planning Code Section 414, the Project Sponsor shall comply with the provisions of the Child-Care Requirements for Office and Hotel Development Project through payment of an in-lieu fee pursuant to Article 4 of the Planning Code.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Eastern Neighborhoods Infrastructure Impact Fee. Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4 of the Planning Code.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

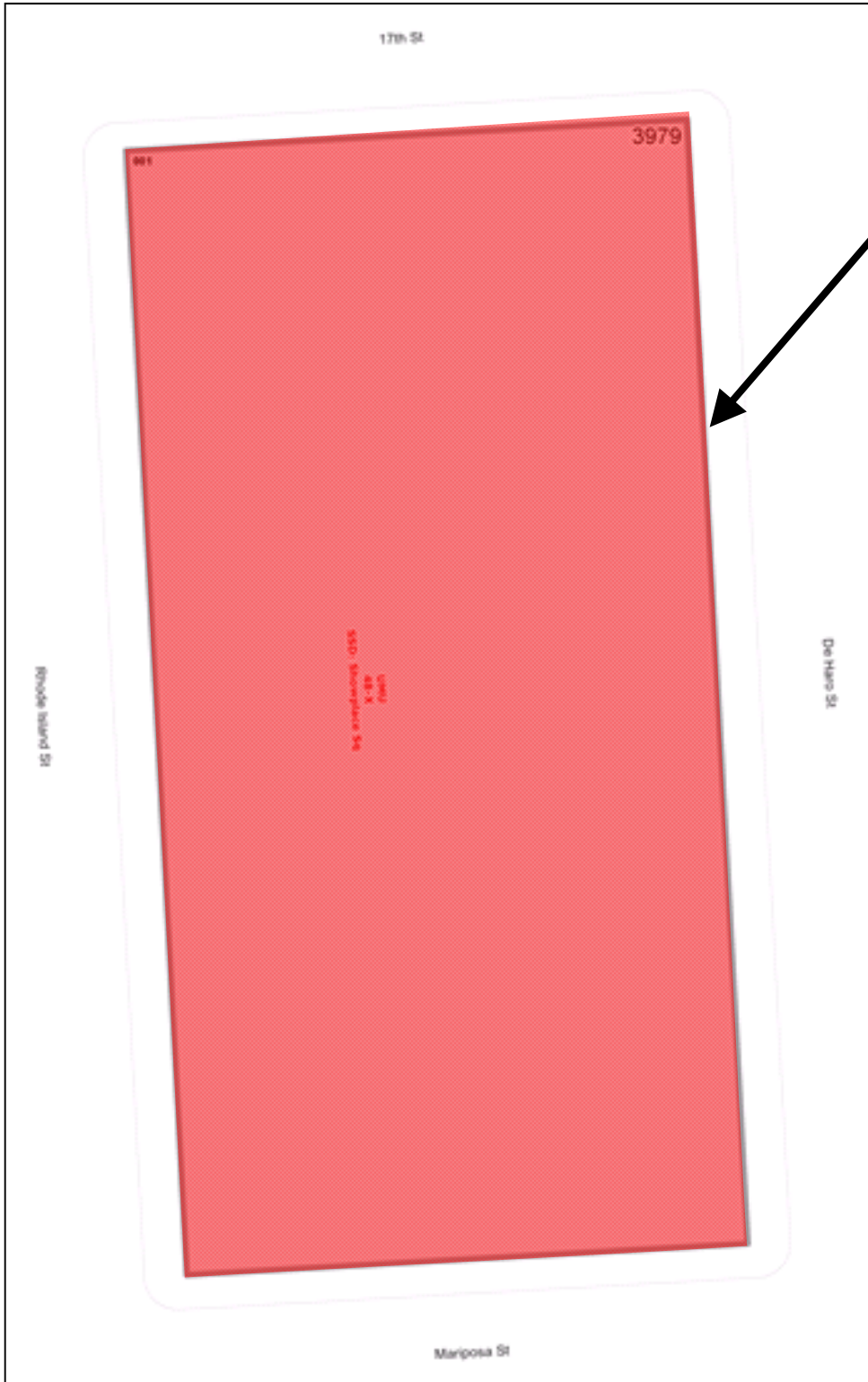
Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

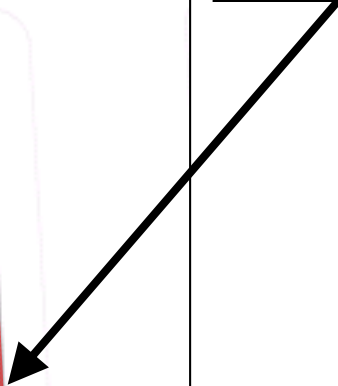
Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map

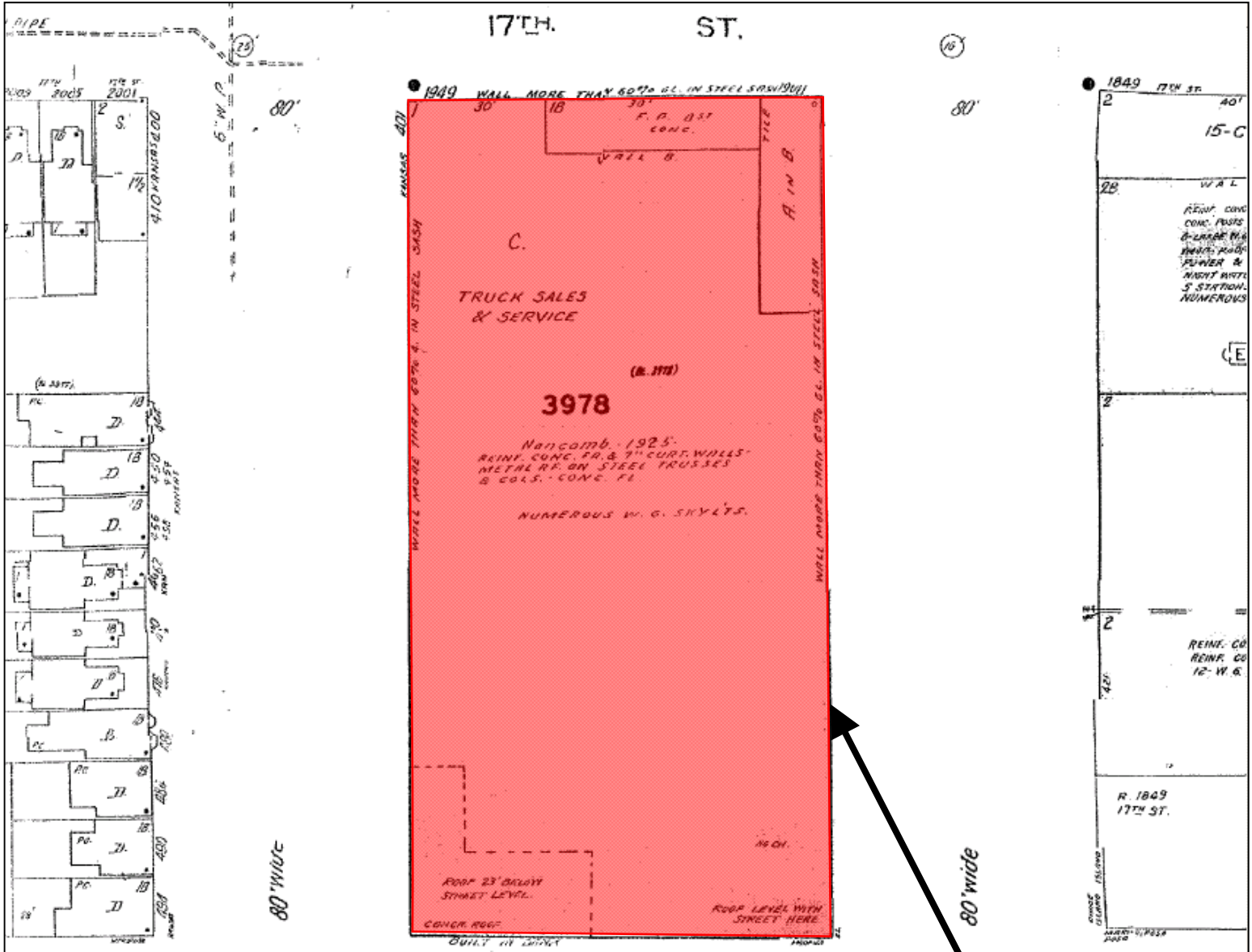


SUBJECT PROPERTY



Review and Comment
Case Number 2012.0041B
444 De Haro Street

Sanborn Map*



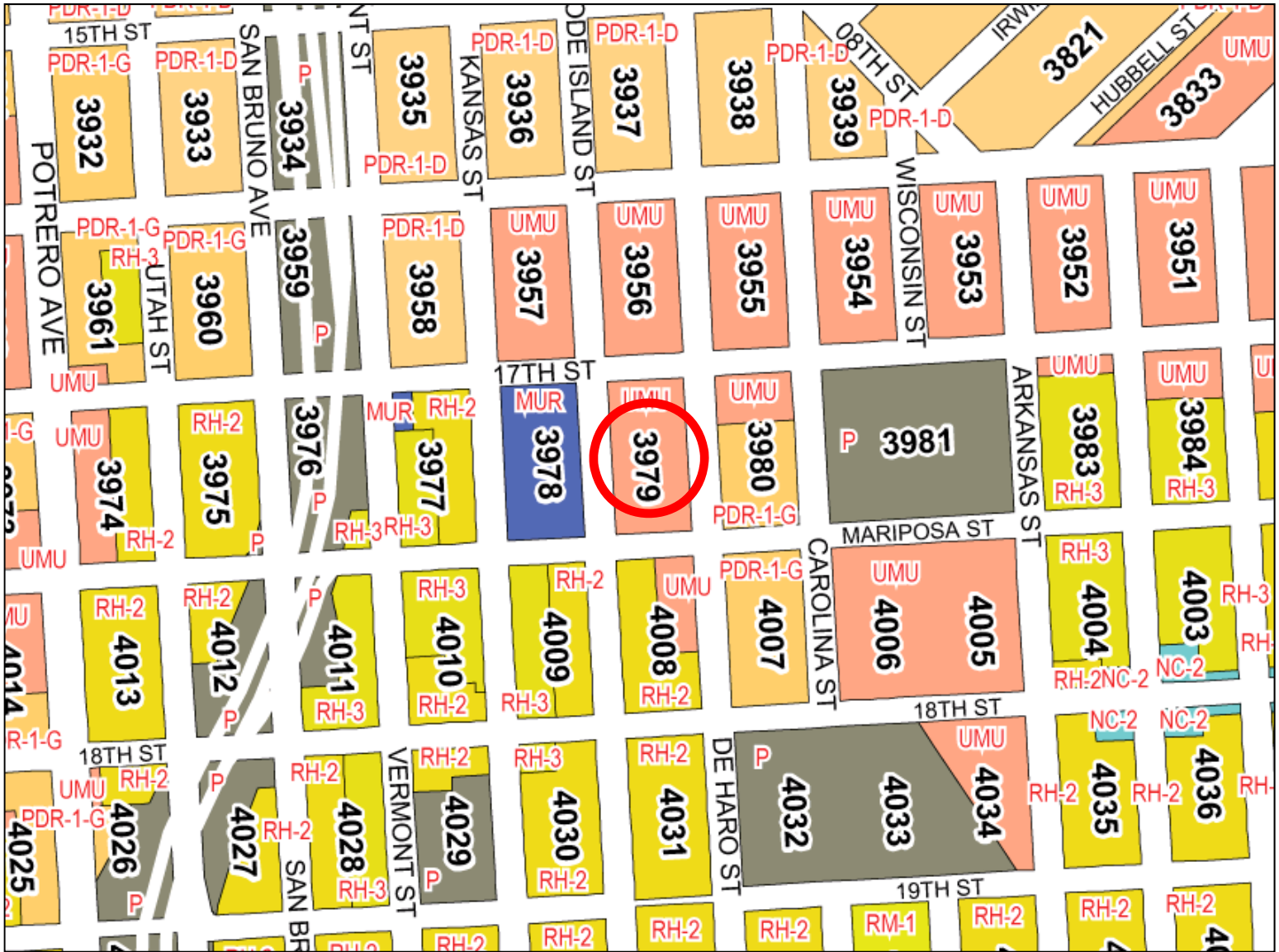
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SUBJECT PROPERTY



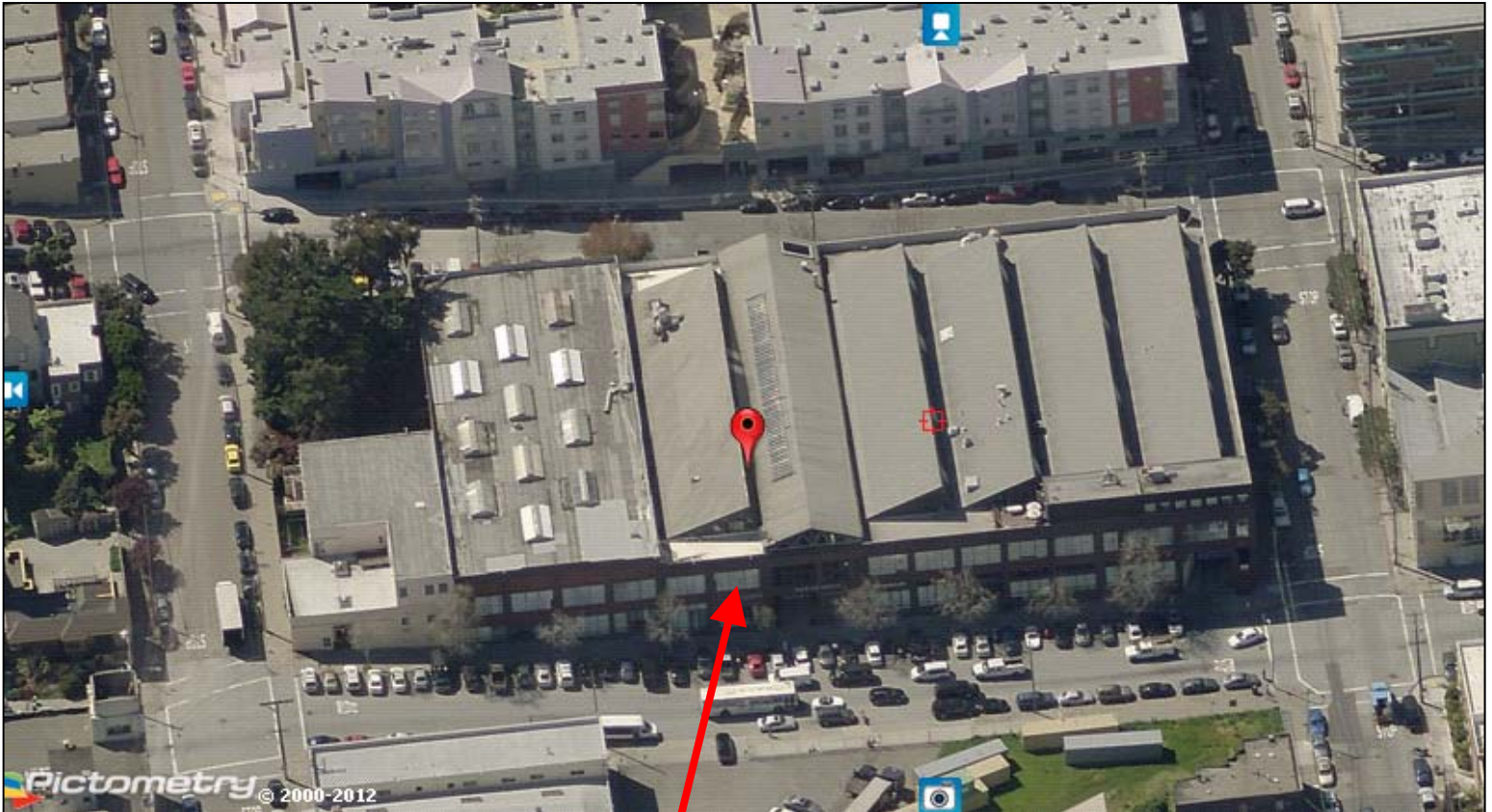
Review and Comment
 Case Number 2012.0041B
 444 De Haro Street

Zoning Map



Review and Comment
Case Number 2012.0041B
444 De Haro Street

Aerial Photo

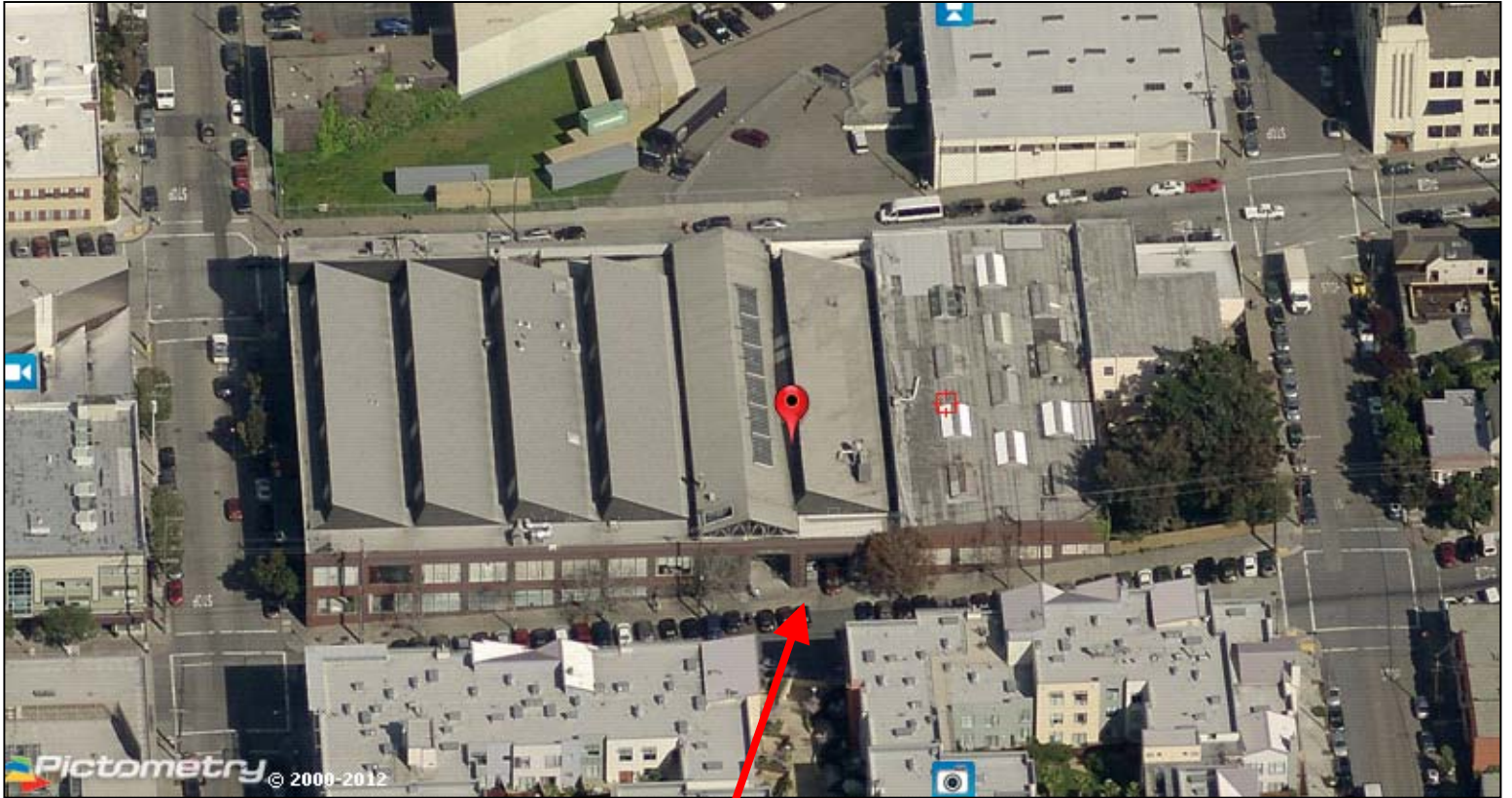


444 De Haro Street



Review and Comment
Case Number 2012.0041B
444 De Haro Street

Aerial Photo



444 De Haro Street



Review and Comment
Case Number 2012.0041B
444 De Haro Street

Site Photo



444 De Haro Street, View of Main Entrance along De Haro Street

Review and Comment
Case Number 2012.0041B
444 De Haro Street

Site Photo



444 De Haro Street, View of 17th & De Haro Streets

Review and Comment
Case Number 2012.0041B
444 De Haro Street

Site Photo



444 De Haro Street, View along Rhode Island Street

Review and Comment
Case Number 2012.0041B
444 De Haro Street

Site Photo



444 De Haro Street, View of original steel-sash windows on Rhode Island Street

Review and Comment
Case Number 2012.0041B
444 De Haro Street

Rhode Island Street

400'

EXISTING GARDEN
7,351 GROSS SF

EXISTING
WOOD BUILDING

EXISTING
WOOD BUILDING

EXISTING 2-STORY + 1 BASEMENT
CONCRETE BUILDING
164,000 GROSS SF

200'

17th Street

400'

De Haro Street



Mariposa Street

200'

SITE PLAN

1" = 30'-0"

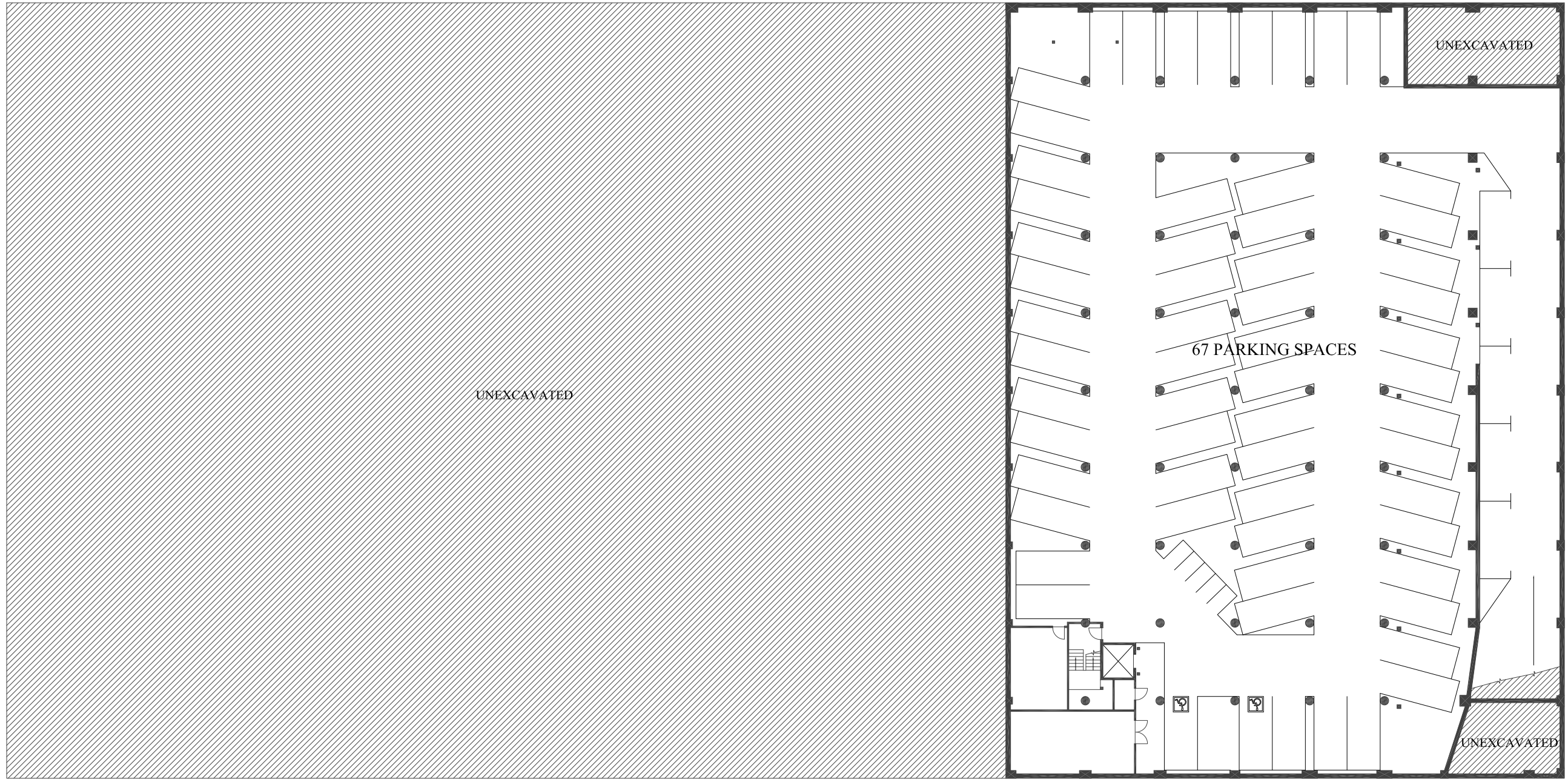
3/12/12

444 DE HARO STREET

C. F. B L A N K, A R C H I T E C T
288 Union Street #2, San Francisco, CA 94133 ph:(415) 296-9336 e-mail:cfblank@cfbarch.com

Rhode Island Street

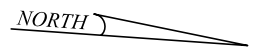
Mariposa Street



17th Street

De Haro Street

TOTAL BASEMENT GARAGE 24,000 SF



BASEMENT GARAGE

1" = 30'-0"

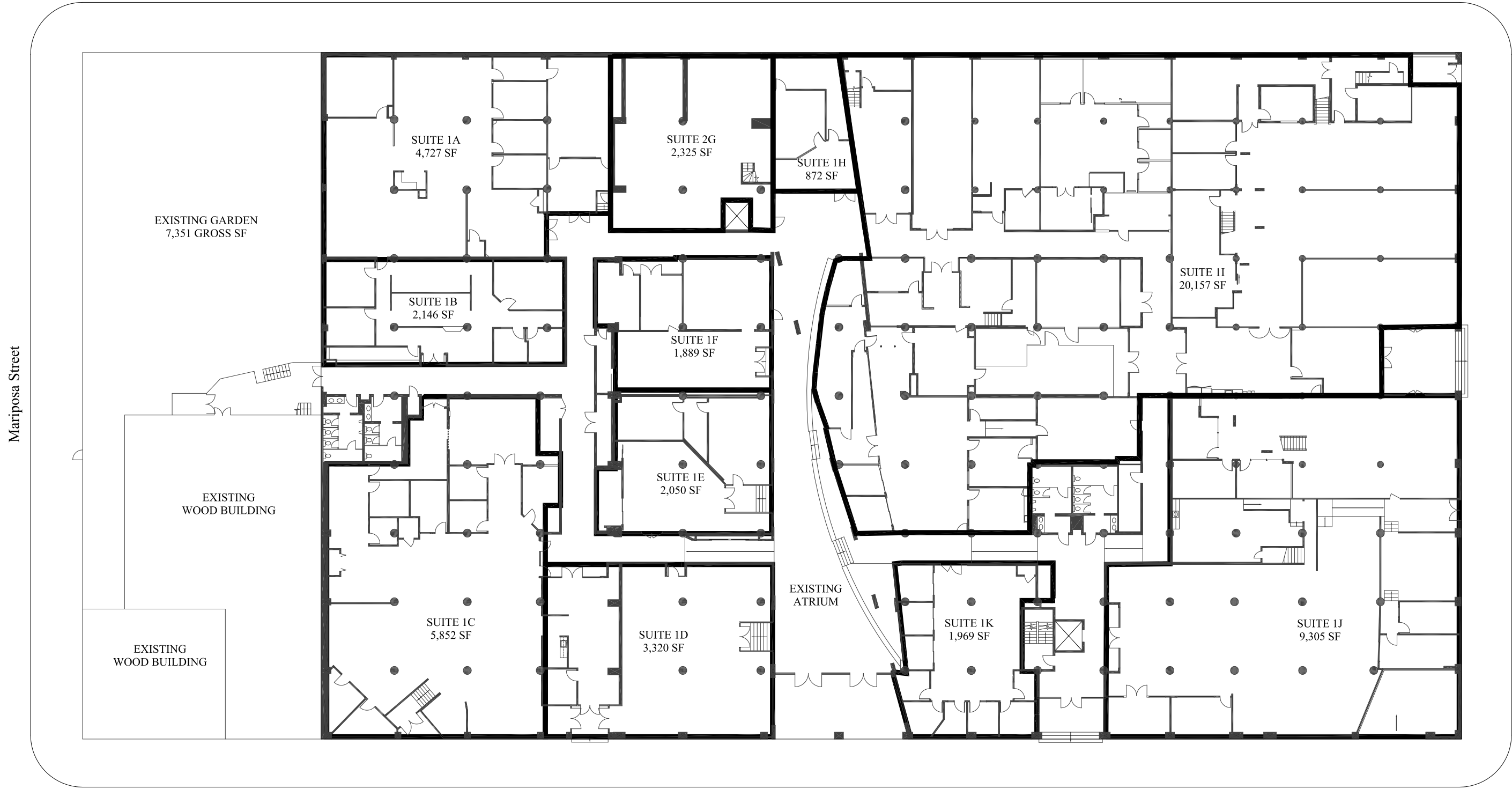
3/12/12

444 DE HARO STREET

C. F. B L A N K, A R C H I T E C T
288 Union Street #2, San Francisco, CA 94133 ph:(415) 296-9336 e-mail:cblank@cfbarch.com

SUITE 1A	4,727 SF	BUILDING COMMON/ UTILITY/CIRCULATION	15,388 SF
SUITE 1B	2,146 SF		
SUITE 1C	5,852 SF		
SUITE 1D	3,320 SF		
SUITE 1E	2,050 SF		
SUITE 1F	1,889 SF	TOTAL GROUND FLOOR	70,000 SF
SUITE 1G	2,325 SF		
SUITE 1H	872 SF		
SUITE 1I	20,157 SF		
SUITE 1J	9,305 SF		
SUITE 1K	1,969 SF		
SUBTOTAL	54,612 SF		

Rhode Island Street



De Haro Street



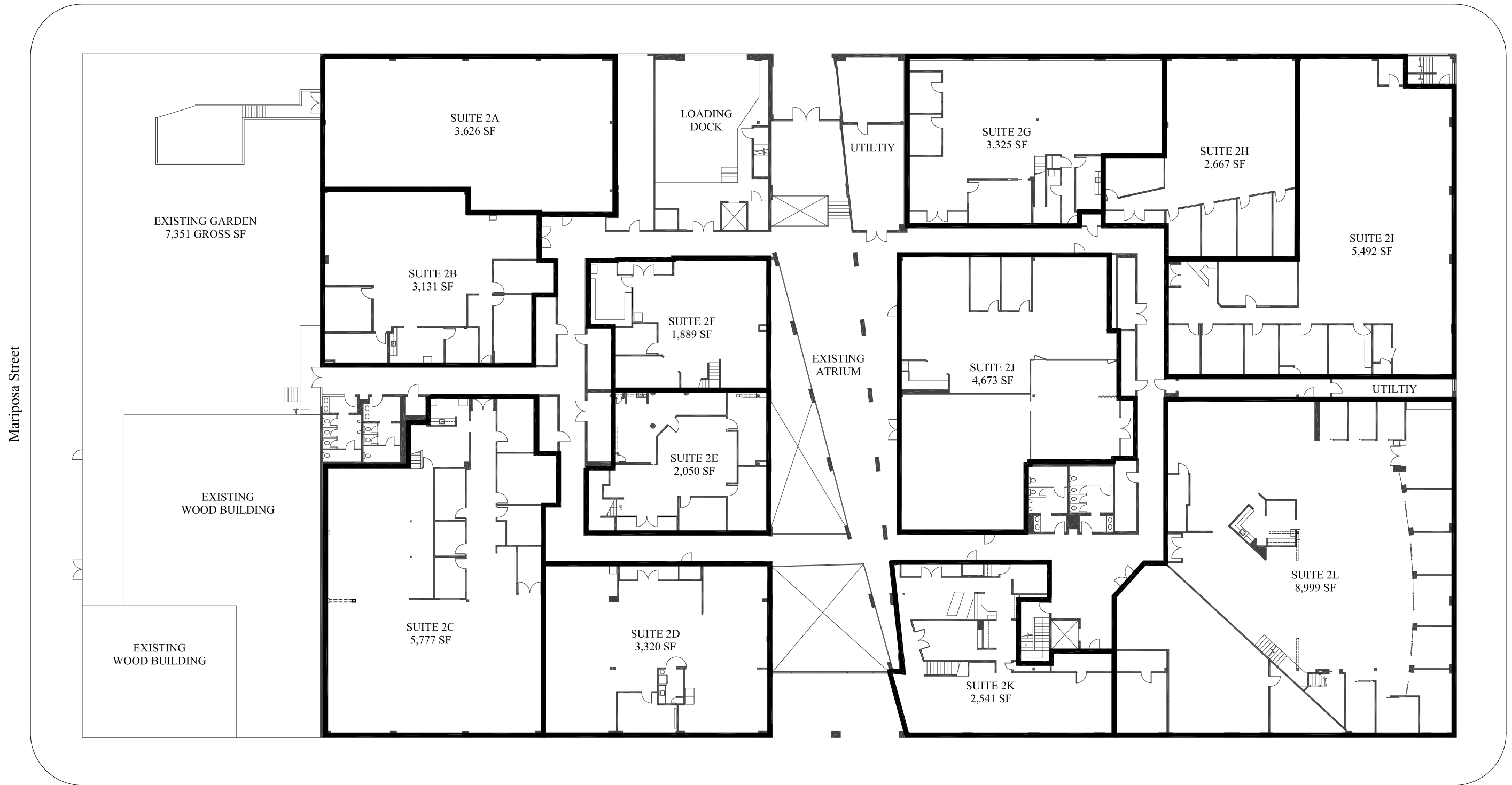
GROUND FLOOR

1" = 30'-0" 3/12/12

444 DE HARO STREET

SUITE 2A	3,626 SF	BUILDING COMMON/ UTILITY/CIRCULATION	22,510 SF
SUITE 2B	3,131 SF		
SUITE 2C	5,777 SF		
SUITE 2D	3,320 SF		
SUITE 2E	2,050 SF		
SUITE 2F	1,889 SF		
SUITE 2G	3,325 SF	TOTAL SECOND FLOOR	70,000 SF
SUITE 2H	2,667 SF		
SUITE 2I	5,492 SF		
SUITE 2J	4,673 SF		
SUITE 2K	2,541 SF		
SUITE 2L	8,999 SF		
<hr/> SUBTOTAL			
	47,490 SF		

Rhode Island Street



De Haro Street



SECOND FLOOR

1" = 30'-0"

3/12/12

444 DE HARO STREET

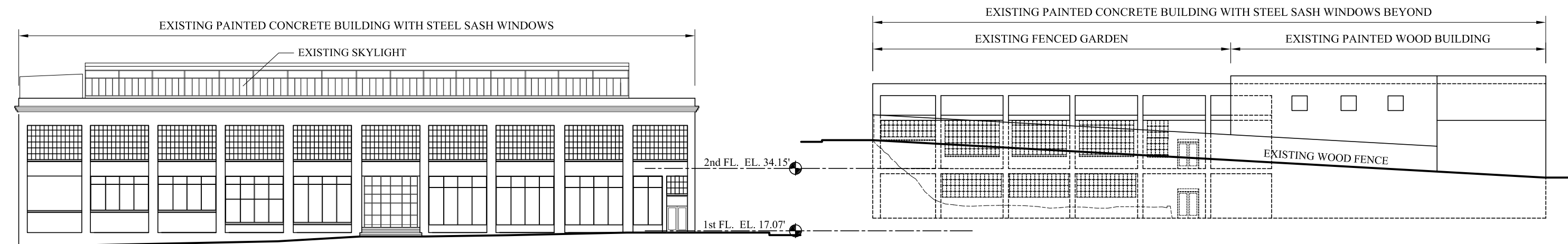
C. F. B L A N K, A R C H I T E C T
288 Union Street #2, San Francisco, CA 94133 ph:(415) 296-9336 e-mail:cblank@cfbarch.com



RHODE ISLAND STREET ELEVATION

1" = 30'-0"

3/12/12



17TH STREET ELEVATION

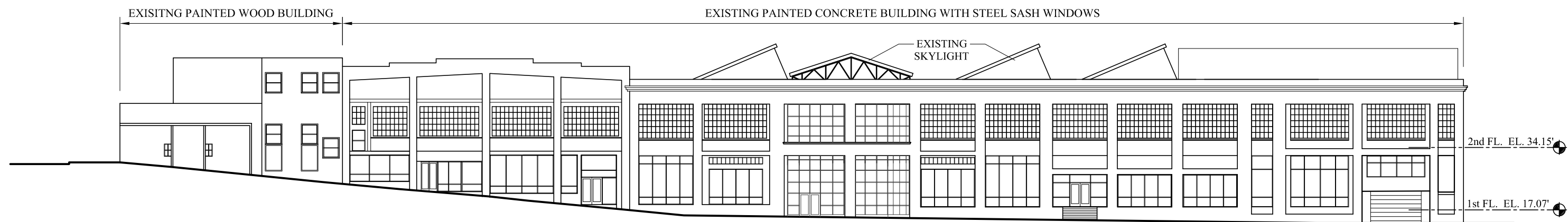
1" = 30'-0"

3/12/12

MARIPOSA STREET ELEVATION

1" = 30'-0"

3/12/12



DE HARO STREET ELEVATION

1" = 30'-0"

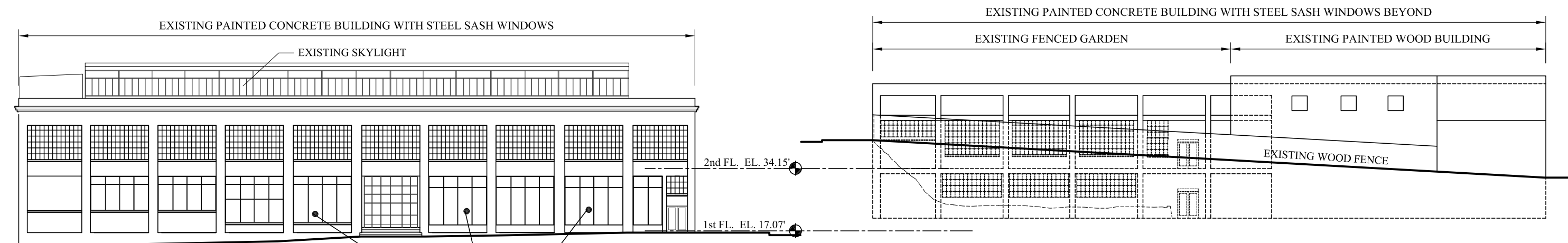
3/12/12

444 DE HARO STREET



RHODE ISLAND STREET ELEVATION

1" = 30'-0" 3/12/12



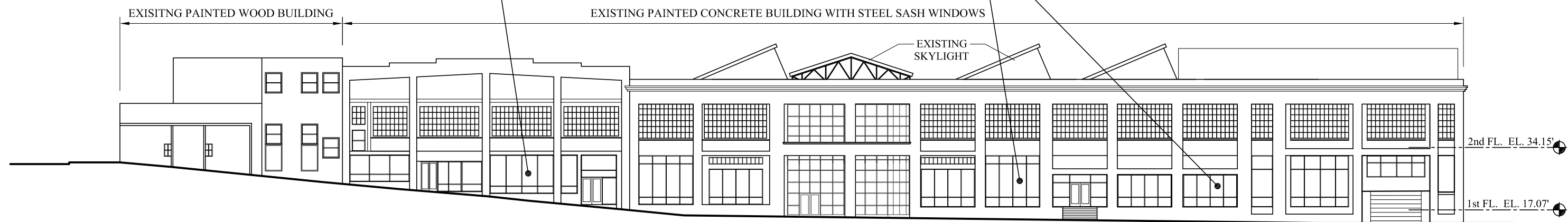
17TH STREET ELEVATION

1" = 30'-0" 3/12/12

MARIPOSA STREET ELEVATION

1" = 30'-0" 3/12/12

WITHIN SEVEN YEARS OF THE PROJECT'S APPROVAL DATE, THE GROUND FLOOR WINDOWS ALONG THE BUILDING'S 17TH STREET AND DE HARO STREET FACADES WILL BE REPLACED WITH STEEL SASH WINDOWS, CONSISTENT WITH THE BUILDING'S UPPER STORY WINDOWS.



DE HARO STREET ELEVATION

1" = 30'-0" 3/12/12

444 DE HARO STREET



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Resolution No. 0683

HEARING DATE: June 20, 2012

Date: June 20, 2012
Case No.: **2012.0041B**
Project Address: **444 De Haro Street**
Zoning: UMU (Urban Mixed Use) Zoning District
48-X Height and Bulk District
Block/Lot: 3979/001
Project Sponsor: Jeffrey Needs, Winthrop Management BPCC
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org
Reviewed By: Tim Frye, Preservation Coordinator
tim.frye@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS FOR THE PROPOSED PROJECT AT 444 DE HARO STREET (ASSESSOR'S BLOCK 3979, LOT 001), LOCATED WITHIN UMU (URBAN MIXED USE) ZONING DISTRICT AND 48-X HEIGHT AND BULK DISTRICT.

PREAMBLE

1. WHEREAS, on February 2, 2012, Jeffrey Needs of Winthrop Management BPCC (Project Sponsor) on behalf of 444 De Haro – VEF VI, LLC (Property Owner) filed an Office Allocation Application with the San Francisco Planning Department for 444 De Haro Street (Block 3979, Lot 001).
2. WHEREAS, the proposed project intends to utilize Planning Code Section 803.9(c) to allow office use on the ground floor of 444 De Haro Street. Pursuant to Planning Code Section 803.9(c), the following provision is intended to support the economic viability of buildings of historic importance within the UMU District:

(1) This subsection applies only to buildings that are a designated landmark building, or a building listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

(2) All uses are permitted as of right, provided that:

(A) The project does not contain nighttime entertainment.

(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the feasibility of preserving the building.

(C) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

(3) The Landmarks Preservation Advisory Board shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

3. WHEREAS, City Charter 4.135 established the Historic Preservation Commission. All duties and responsibilities of the Landmarks Preservation Advisory Board ("LPAB") are under the purview and responsibility of the Historic Preservation Commission.
4. WHEREAS, on June 20, 2012, the Department presented the proposed project to the Historic Preservation Commission. The Commission's comments on the compliance of the proposed project with the Secretary of the Interior's Standards for Rehabilitation and the ability of the proposed project to enhance the feasibility of the historic resource would be forwarded to the Zoning Administrator for consideration under Planning Code Section 803.9(c).

THEREFORE BE IT RESOLVED that the Historic Preservation Commission has reviewed the proposed project at 444 De Haro Street, on Lot 001 in Assessor's Block 3979, and this Commission has provided the following comments:

- The proposed project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- The proposed project enhances the feasibility of preserving the building by providing for a compatible new use and a cyclical maintenance program. The Historic Building Maintenance Plan would improve the viability of preserving the historic building, and would not impact the building's historic integrity or historic status.

BE IT FURTHER RESOLVED that the Historic Preservation Commission hereby directs its Recording Secretary to transmit this Resolution, and other pertinent materials in the Case File No. 2012.0041B to the Zoning Administrator.

I hereby certify that the foregoing Resolution was ADOPTED by the Historic Preservation Commission at its regularly scheduled meeting on June 20, 2012.

Linda D. Avery
Commission Secretary

PRESENT: Chase, Damkroger, Hasz, Johns, Martinez, Matsuda and Wolfram

ABSENT:

ADOPTED: June 20, 2012

REUBEN & JUNIUS_{LLP}

June 18, 2012

VIA U.S. MAIL

Mr. Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

**Re: 444 De Haro Street
Planning Department Case No. 2012.0041B
Hearing Date: June 28, 2012
Our File No.: 6958.01**

Dear President Fong and Commissioners:

This office represents Winthrop Management BPCC, the project sponsor of a proposed conversion of the existing office/showroom building at 444 De Haro Street (the "Property") to a 100% office building (the "Project"). The Showplace Square/Northeast Mission Historic Resources Survey recently determined the Property was individually eligible for the California Register.

The existing building at the Property was originally constructed in 1927. Known as the Western Can Company building, it was operated as a can manufacturing plant until 1984, when it was renovated and converted into a mixed office/retail showroom building. The Project Sponsor now proposes to convert the building into a 100% office building. A wooden building, commonly known as 488 De Haro, adjacent at the south end of the subject building is located at the Property but is not included in the Project.

No expansion of the building envelope, and no exterior or interior alterations are proposed as part of the Project. The Planning Commission approval required for this Project is a Section 321 office space allocation out the City's annual office cap. Photos of existing site conditions are attached to this letter as **Exhibit A**.

A. Benefits of the Project

- Standardizing the existing building at the Property as a 100% office building, allowing the Project Sponsor to operate the building in a way to better serve the office uses;
- Locating more workers near public transit (Property is adjacent to three MUNI bus lines, and is just two blocks away from two MUNI express bus lines);
- Establishing a maintenance plan for the Property to ensure it remains in good condition into the future;
- Allowing additional office use that commands higher rents, thereby increasing the funds the Project Sponsor has to maintain the historic building.

B. Maintenance of Western Can Company Building

The Project Sponsor has been a good steward of the Property, and already conducts regular maintenance, upkeep and repair of the building. As part of its approval for the conversion of the remaining non-office space at the building to office, the Project Sponsor has also agreed to an extensive maintenance and preservation plan for the building. This plan requires regular inspection, maintenance, repair and, when necessary, replacement of various exterior elements of the building, including the roof, skylight, windows and exterior stucco. Approval of the Project will ensure that the historic 444 De Haro Street is properly maintained into the future.

C. Conclusion

The Project requires a Section 321 office allocation of 90,500 square feet of office space out of the City's annual office cap. It provides substantial benefits to the City by allowing for the standardization of an office building located close to transit, as well as effectuating a maintenance plan that will ensure the building is well maintained into the future. Planning staff is recommending approval of the requested authorization. For all of these reasons and those listed in the application, we respectfully request this Commission grant this office allocation request for the Project.

Mr. Rodney Fong, President
San Francisco Planning Department
June 18, 2012
Page 3

Very truly yours,

REUBEN & JUNIUS, LLP


John Kevlin

Encls.

cc: Commissioner Michael Antonini
Commissioner Gwen Borden
Commissioner Ron Miguel
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
Linda Avery - Commission Secretary
Rich Sucre – Neighborhood Planner
Jeff Needs – Winthrop Management

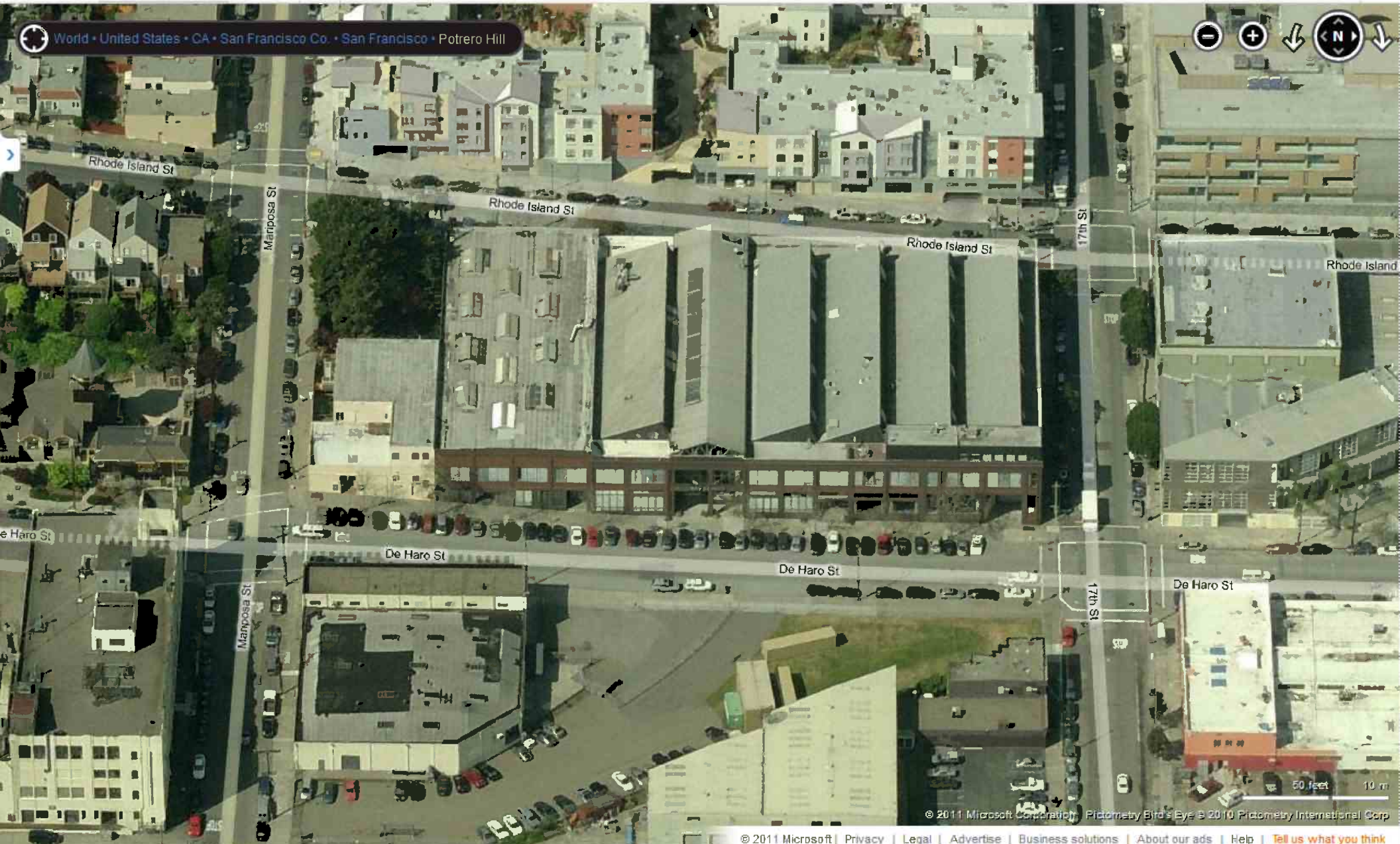
One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

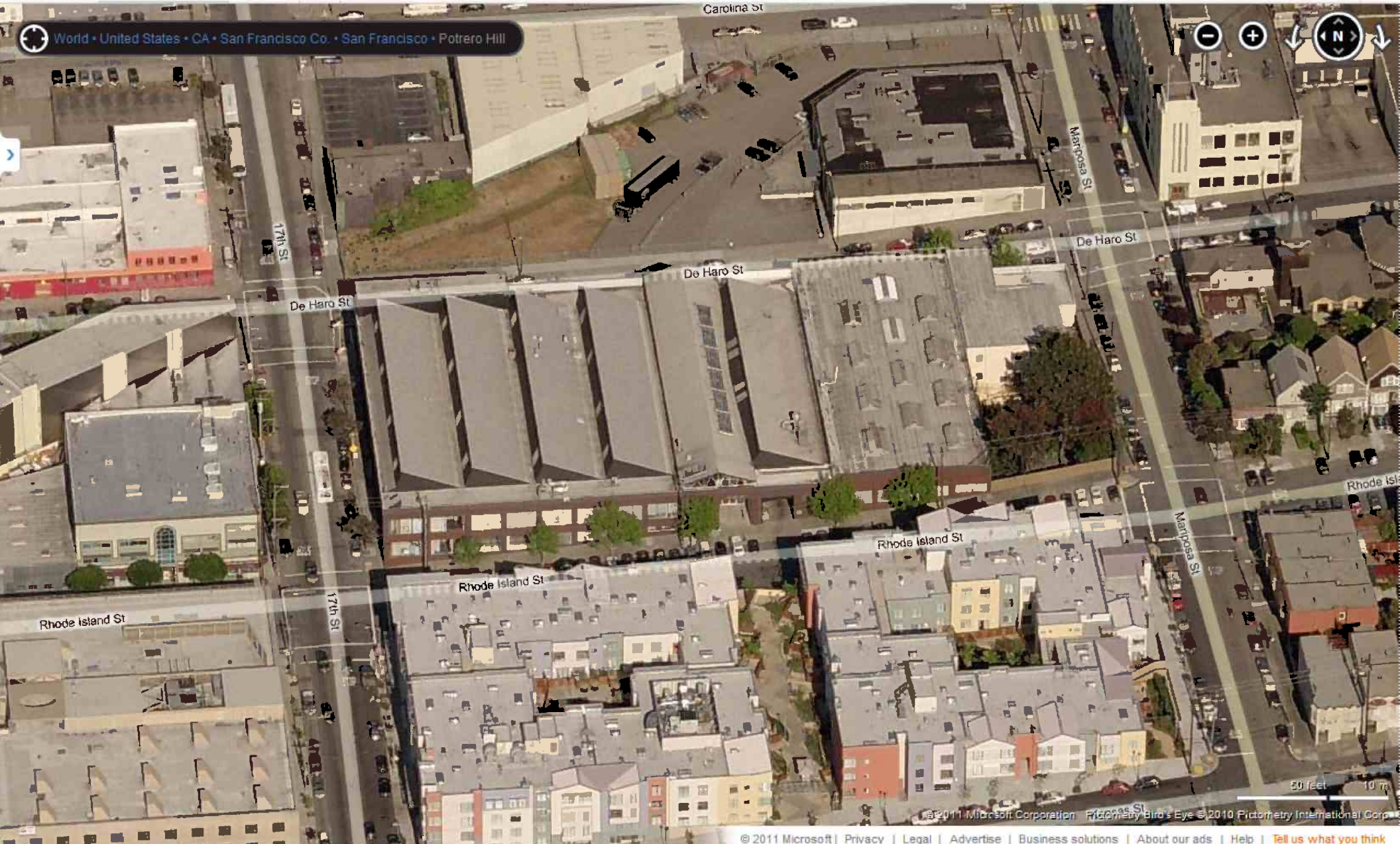
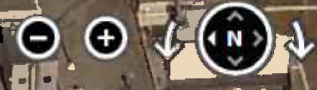
REUBEN & JUNIUS_{LLP}

www.reubenlaw.com

Exhibit A



50 feet 10 m



50 feet 10 m

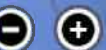
De Haro St



Mariposa St

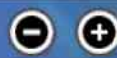
17th St

17th St



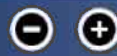
De Haro St

Rhode Island St



17th St

Mariposa St



Rhode Island St

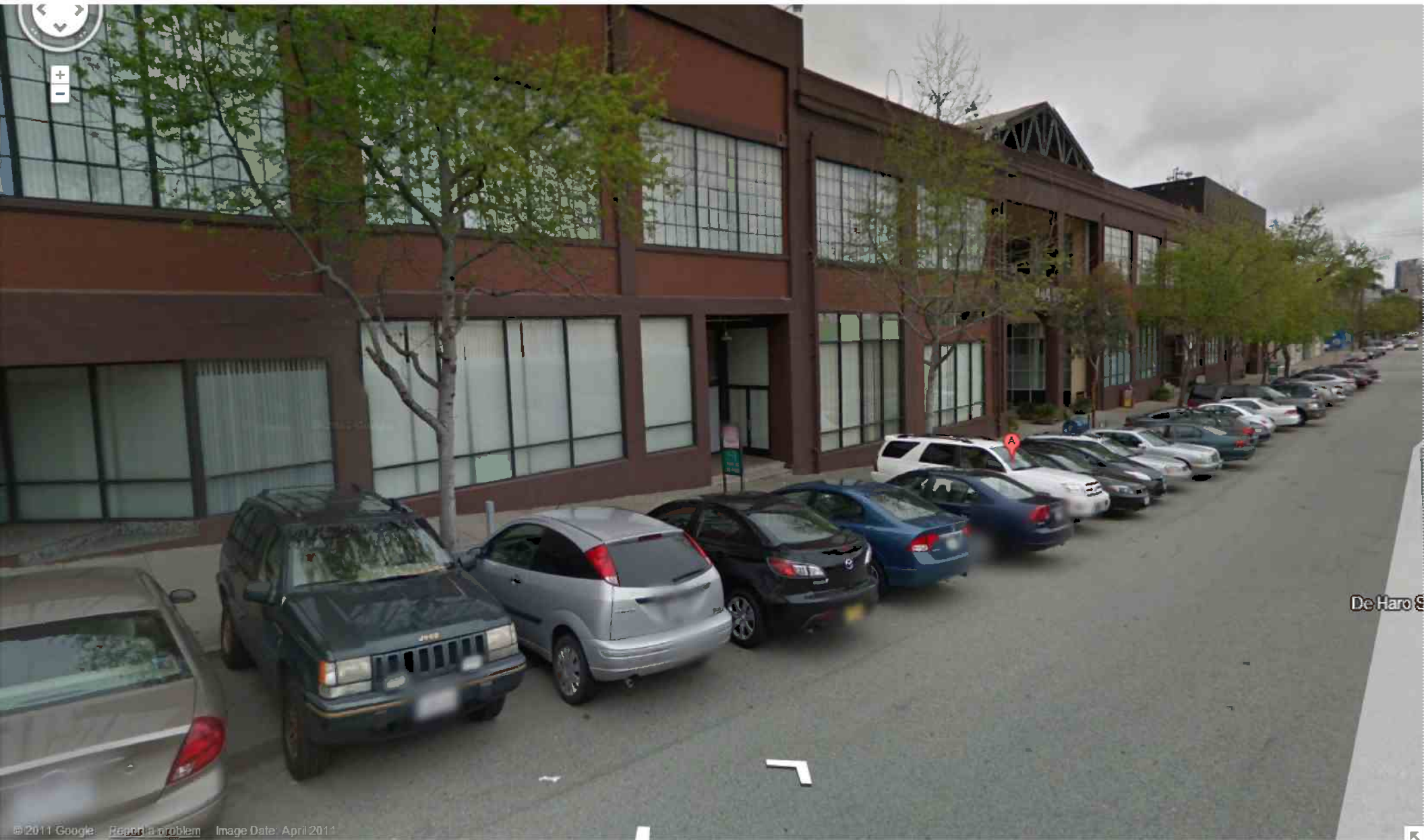
De Haro St



STOP

De Haro St

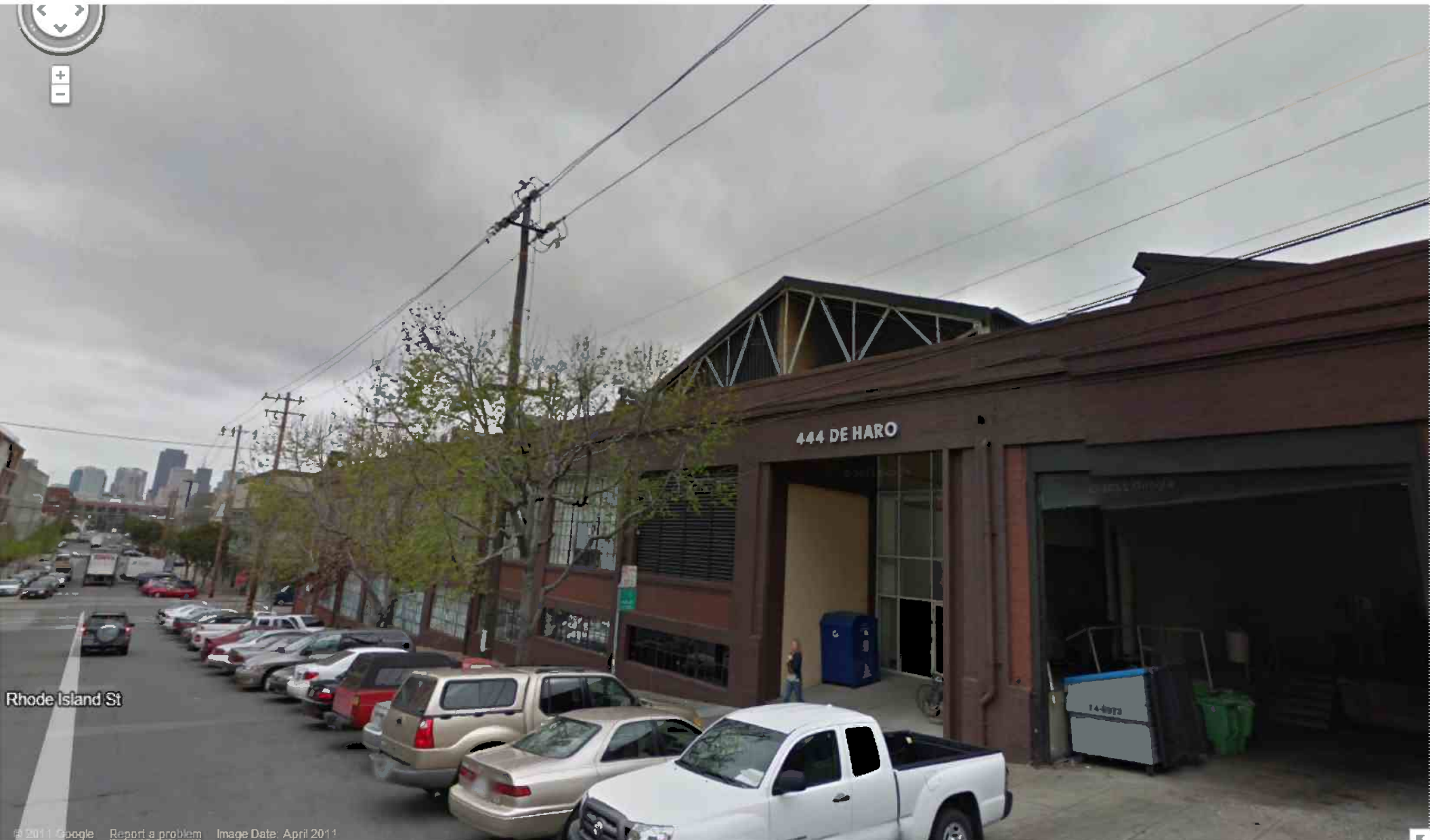
17th St



De Haro S







444 DE HARO

Rhode Island St



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2012.0041E
 Project Title: 444 De Haro Street
 Zoning: Urban Mixed Use (UMU) District
 48-X Height and Bulk District
 Block/Lot: 3979/001
 Lot Size: 80,000 square feet
 Project Sponsor: John Kevlin, Reuben & Junius, LLP, (415) 567-9000
 Staff Contact: Heidi Kline – (415)575-9043,
 Heidi.Kline@sfgov.org

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

PROJECT DESCRIPTION:

The project site is located on the southwest corner of 17th and De Haro Streets on the block bounded by 17th, De Haro, Mariposa, and Rhode Island Streets. There are two buildings on the project site: a two-story with a partial basement level, 164,000 sq. ft. masonry building at 444 De Haro Street and a two-story, 12,528 sq. ft. wood frame building at 488 De Haro Street. The larger building covers most of the project site with the smaller building located in the southeast corner, closest to the intersection of De Haro and Mariposa Streets. No changes, land use, physical, or otherwise, are currently proposed for the smaller building. The larger masonry building was constructed in 1927 and occupied by an industrial use, the Western Can Company, before being converted in 1984 to office and retail/ showroom uses on the first and second floor and a parking garage on the basement level. Currently, the building is occupied by various office tenants, but no retail businesses.

EXEMPT STATUS:

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

REMARKS:

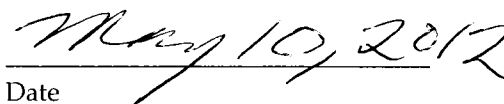
Please see next page.

DETERMINATION:

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



Bill Wycko
 Environmental Review Officer



Date

CC: John Kevlin, Project Sponsor
 Supervisor Malia Cohen, District 10

Rich Sucre, Current and Preservation Planning
 Virna Byrd, MDF

PROJECT DESCRIPTION (CONTINUED):

In 1984 renovations were made to the larger masonry building and a change of use was approved from industrial to office and retail/ showroom. The building permit plans show that 49,500 sq. ft. was designated as office use, 60,500 sq. ft. designated as retail/ showroom use, and 24,000 sq. ft. as a parking garage. The remaining 30,000 sq. ft. was allocated as common area including but not limited to corridors, restrooms, stairs, mechanical rooms, and a public lobby. The allocation of allowable retail and office use was made for the entire building rather than assigned to specific areas or suites.

The proposed project would allow the conversion of 60,500 square feet of building area from the previously-approved retail/ showroom use to office use. As the project sponsor seeks to clarify that the entire building is approved for office use, the proposal includes converting the 30,000 sq. ft. of common area space to office use, for a total conversion of 90,500 sq. ft. to office use. The project involves only a change of use and no exterior changes to the building are planned or needed to facilitate additional office uses.

The project would require an allocation for office development by the Planning Commission under San Francisco Planning Code Section 321. Also, the project would need a Zoning Administrator (ZA) determination that allowing the proposed office use on the first floor would enhance the feasibility of preserving the 444 De Haro Street building, per Planning Code Section 803.9(c).

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides 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 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 which were not discussed in the underlying EIR; and d) are previously identified in the EIR, but which 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 that project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects peculiar to the 444 De Haro Street project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods EIR)¹ (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific analysis summarized in this determination was prepared for the proposed project at 444 De Haro Street to determine if there would be significant impacts attributable to the proposed project.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods FEIR. This determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods FEIR. This determination also identifies mitigation measures contained in the

Eastern Neighborhoods FEIR that would be applicable to the proposed project at 444 De Haro Street. Relevant information pertaining to prior environmental review conducted for the Eastern Neighborhoods Plan is included below, as well as an evaluation of potential environmental effects.

Background

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Plan was adopted in December 2008. The Eastern Neighborhood Plan was adopted in part to support office and 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.

During the Eastern Neighborhoods Plan adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods EIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.¹

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods rezoning and Planning Code amendments. The Eastern Neighborhoods project rezoned much of the city's industrially zoned land. Its goals were to reflect local values, increase housing, maintain some industrial land supply, and improve the quality of all existing areas with future development. 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.

A major issue 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 EIR 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.

The Eastern Neighborhoods Final EIR 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 FEIR evaluated three land use alternatives. Option A retained the largest amount of existing land that accommodated PDR uses and converted the least amount of industrially zoned land to residential use. Option C converted the most existing land accommodating PDR uses to residential and mixed uses. Option B fell between Options A and C. While all three options were determined to result in a decline in PDR employment, the loss of PDR jobs was determined to be greatest under Option C. The alternative ultimately selected – the 'Preferred Project' – represented a combination of Options B and C. Because the amount of PDR space to be lost could not be precisely gauged, the FEIR determined that the

¹ San Francisco Planning Commission Motion 17659, August 7, 2008. <http://www.sfgov.org/site/>

Preferred Project would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

Potential Environmental Effects

The Eastern Neighborhoods Final EIR 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 project. The proposed 444 De Haro Street project is in conformance with the height, use and density for the site as described in the Eastern Neighborhoods Final EIR and would represent a small part of the change in land uses forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods Final EIR considered the incremental impacts of the proposed 444 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 Final EIR.

Topics for which the Final EIR identified a significant program-level impact are addressed in this Certification of Determination while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.² The following discussion demonstrates that the 444 De Haro Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods Final EIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, air quality, greenhouse gases, and hazardous materials.

Land Use and Land Use Planning

The proposed project at 444 De Haro Street falls within the Showplace Square - Potrero Hill Area Plan of the San Francisco General Plan. One of the objectives of the Area Plan is to support knowledge sector businesses in appropriate portions of the area (Objective 1.4). Although the specific office tenants are not yet known, the project would provide available office space for use by knowledge sector businesses desiring to locate in this area. Another objective is to protect, preserve, and reuse historic resources within the Showplace Square Area Plan (Objective 8.2). According to a 2008 survey, the building at 444 De Haro Street has been determined eligible for the California Register of Historical Resources.³ The conversion of the retail/ showroom area to office space would provide economic support for the building owner to preserve and reuse this historic building, thereby supporting the Plan objective of preserving and reusing the historic resources within the Area Plan.

The site is zoned Urban Mixed Use (UMU) District, which is intended to promote a vibrant mix of uses while maintaining the characteristics of this former industrially-zoned area. The UMU District is also intended to serve as a buffer between residential districts and PDR districts in the Eastern

² San Francisco Planning Department, Community Plan Exemption Checklist, 444 De Haro Street, May 2, 2012. This document is on file and is available for review as part of Case File No. 2012.0041E at 1650 Mission Street, Suite 400, San Francisco, CA.

³ State of California Department of Parks and Recreation, Primary Record for 444 De Haro Street, Western Can Company, June 12, 2008. This document is on file and is available as part of Case File No. 2012.0041E at 1650 Mission Street, Suite 400, San Francisco, CA

Neighborhoods. Allowed uses within the UMU District include PDR uses such as light manufacturing, home and business services, arts activities, warehouses, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Within the UMU, office uses are restricted to the upper floors of multiple story buildings except for Landmark buildings or buildings determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation where they are permitted on all floors. The building at 444 De Haro Street has been identified by the State of California Department of Parks and Recreation as eligible for listing in the California Register under Criterion 3 (Design/ Construction)⁴. The conversion of the retail space on the ground floor to office use would require a Zoning Administrator determination that allowing the use will enhance the feasibility of preserving the building, per Planning Code Section 803.9(c). Therefore, the proposed change in use would be consistent with those uses permitted within the UMU District.

While the proposed project would allow the conversion of 90,500 square feet of retail/ showroom use to office use, rather than a PDR use, office uses in the mixed use area were anticipated and are consistent both with the policies of the Area Plan and specific zoning adopted pursuant to the Area Plan for this particular location. The project site was formerly zoned M-1 which allowed both office and retail uses along with PDR uses, as does the current UMU zoning designation for the site. This conversion of retail and showroom space to allow office use would not result in physical changes that would preclude the use of the space in the future from being used for retail or PDR uses as no internal changes would be made and therefore, it would not serve as a hindrance to establishing retail or light PDR uses in the building in the future. The existing building's lack of ample truck loading facilities, and the existence of interior walls portioning the interior into smaller suites added in 1984 when the building was converted from industrial to office and retail uses minimizes its attractiveness for many PDR uses. This project would not exacerbate this as no removal of existing loading facilities is planned. No changes would be made to the height or bulk of the building. The proposed project would not result in peculiar land use impacts that were not identified in the Eastern Neighborhoods FEIR. Prior to the use of the space for office use, the project sponsor would need to comply with Section 321 of the San Francisco Planning Code to receive an allocation for the additional office space. The Citywide Planning and Neighborhood Planning Divisions of the Planning Department have additionally determined that subject to ZA approval of the establishment of an office use on the lower floor of a historic resource the proposed project is consistent with the UMU zoning and satisfies the requirements of the General Plan and the Planning Code. Further, the project would not substantially impact the existing character of the neighborhood and would not physically divide an established community.

Cultural Resources

Archeological Resources

The Eastern Neighborhoods FEIR identified potential archeological impacts and identified three archeological mitigation measures that would reduce impacts on archeological resources to less than significant. The three archeological mitigation measures do not apply to the proposed project at 444 De Haro Street because the project involves no subsurface excavation and is not located in the Mission Dolores Archeological District.

⁴State of California Department of Parks and Recreation, Primary Record for 444 De Haro Street, Western Can Company, June 12, 2008. This document is on file and is available as part of Case File No. 2012.0041E at 1650 Mission Street, Suite 400, San Francisco, CA.

Historic Architectural Resources

The Eastern Neighborhoods FEIR anticipated that program implementation may result in demolition of buildings identified as historical resources, and found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

Eastern Neighborhoods FEIR Mitigation Measure K-1, Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area, requires that certain projects involving new construction or alteration be presented to the Landmarks Preservation Advisory Board (now the Historic Preservation Commission (HPC)). As no exterior changes are proposed as part of the project at 444 De Haro Street this mitigation measure would not apply. Mitigation Measures K-2 and K-3, which amended Article 10 of the Planning Code to reduce potential adverse effects to contributory structures within the South End Historic District (East SoMa) and the Dogpatch Historic District (Central Waterfront), do not apply to the proposed project because it is not located within the South End or Dogpatch Historic Districts.

The project involves the conversion of existing retail/showroom space into office use. No exterior changes or modifications would be made. Only routine interior tenant improvements, common to both office and retail uses, would be anticipated as new tenants occupy the individual suites. The City's Historic Resources Specialist, Rich Sucre, for the Southeast quadrant has reviewed the proposal to convert the retail/ showroom use to office use and found that since the project does not involve any exterior alterations, it would not impact any of the exterior character-defining features which contribute to the property's historic status. Therefore, the project would not have a significant adverse impact on the historic resource located on the project site.⁵

Transportation

The Eastern Neighborhoods FEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership. Thus, the FEIR identified 11 transportation mitigation measures, including implementation of traffic management strategies, transit corridor improvements, enhancement of transit funding, promotion of alternative means of travel, and parking management to discourage driving – all measures to be implemented by the Municipal Transportation Agency or other City agencies. Even with mitigation, however, it was anticipated that the significant adverse effects at certain local intersections and the cumulative impacts on certain transit lines and intersections could not be fully mitigated. Thus these impacts were found to be significant and unavoidable, and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods approval on January 19, 2009.

The proposed project is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, significance criterion 5c would not apply to the proposed project.

⁵ Sucre, Rich, "CPE Referral: 444 De Haro." Message to Heidi Kline. May 2, 2012. Email. Available for review as part of Case File No. 2012.0041E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Trip Generation

Trip generation of the proposed project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines) developed by the San Francisco Planning Department.⁶ The site is located in the City's Superdistrict 3 traffic analysis area. The proposed project would result in an increase of 90,500 square feet of office use along with a decrease in a similar amount of retail use. Based on the SF Guidelines, this change in 90,500 sq. ft. of land use would result in approximately 69 additional employees, or 46 employees if the 30,000 sq. ft. of common area is excluded from the area used to calculate new employees. The standard employee density for retail uses is 1 employee per 350 sq. ft. of building area and a density of 1 employee per 276 sq. ft. of building area for office uses. The proposed project which would allow office tenants in the entire building would result in a total of 507 employees in the entire building, an increase of 69 employees over the existing 438 employees that would be anticipated to be generated by the current mix of allowable retail and office uses.

Though the employee density of office space is greater than retail, the ITE trip generation rate for retail is significantly greater than office as retail uses are inherently dependent on customers traveling to and from the retail establishment. Thus, 90,500 square feet of office space would be anticipated to generate 139 PM peak hour person-trips versus a similar amount of retail use could be expected to generate 1,222 PM peak hour person-trips. The current mix of allowable retail/ showroom and office uses for the building would generate 14,471 daily person-trips of which 1,298 would be anticipated to occur in the P.M. peak hour. The proposed project which would allow the entire building to be occupied by office tenants would generate a total of 2,534 daily person-trips of which 215 would be anticipated to occur in the P.M. peak hour. All of the trips, including total person, vehicle, transit, pedestrian, and bicycle, that would be anticipated to be generated by 90,500 sq. ft. of office space would be significantly less than that generated by an equivalent amount of retail use.

Traffic

The proposed project would not contribute to the identified traffic impacts in the Eastern Neighborhoods EIR. Rather, the project would likely result in a reduction in the amount of traffic generated from the current allowable mix of retail and office uses in the building due to the lower trip generation rate of office uses as compared to that of retail uses. The number of vehicle trips generated by 90,500 sq. ft. of retail use would be 5,041 daily with 839 occurring during the PM peak hour. The same amount of office use would generate 935 daily vehicle trips with 148 occurring in the PM peak hour. Therefore, if the project is approved there could be a potential decrease in the overall vehicle trips generated by the project site and which would be expected to travel through the intersections surrounding the project block, several of which were found to have significant 2025 Cumulative impacts with no feasible mitigations. The anticipated traffic from the project site is within that anticipated to be generated by the Eastern Neighborhood projects and within the scope of the Eastern Neighborhood analysis. The proposed project would not result in a project-specific traffic impact, therefore, requiring no further project specific analysis.

⁶ Heidi Kline, San Francisco Planning Department, Transportation Calculations, March 5, 2012. These calculations are available for review as part of Case File No. 2012.0041E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Transit

As indicated above, the proposed project would allow the conversion of retail/ showroom space to office use which would result in a reduction of overall trips, transit and otherwise, from the project site. The current mix of allowable retail/ showroom and office uses for the building would generate 1,806 daily transit person-trips of which 162 would be anticipated to occur in the P.M. peak hour. The proposed project which would allow the entire building to be occupied by office tenants would generate 486 daily transit person-trips of which 43 would be anticipated to occur in the P.M. peak hour. Therefore, there would be a reduction in transit person-trips generated from the project site if the building is converted to all office tenants. The project site is served by several local and regional transit lines including Muni lines 10-Townsend, 19-Polk, and the 22-Fillmore. Therefore, the project would result in a reduction of P.M. peak hour transit trips on existing transit routes adjacent to the project site.

The Eastern Neighborhoods Final EIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership due to the change from 2025 No-Project operating conditions for Muni lines 9, 10, 12, 14, 14L, 22, 27, 47, 49 and 67 under all Eastern Neighborhoods rezoning options. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

The proposed project would not conflict with the implementation of these mitigation measures, and it is likely the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project would not contribute additional P.M. peak hour transit trips to those anticipated to be added by Eastern Neighborhood projects and would therefore not contribute to the significant impact to 2025 Cumulative conditions identified in the Eastern Neighborhoods EIR. Thus, the proposed project would not result in a project-specific transit impact necessitating further project specific analysis.

Bicycles and Pedestrians

The conversion of the retail/ showroom use to office use would result in the generation of 317 daily pedestrian and 161 bicycle trips of which 16 pedestrian and 8 bicycle trips would be anticipated to occur during the P.M. peak hour. This would be a decrease over the approved mix of retail and office uses for the building which generate 3,063 daily pedestrian and 307 bicycle trips of which 271 pedestrian and 25 bicycle trips occur during the P.M. peak hour. There are adequate sidewalk and crosswalk widths along the project site and in the immediate area. Pedestrian activity would likely decrease as a result of the project and would continue to be accommodated on local sidewalks and not pose any safety concerns. No exterior improvements would be made so the project would not have any impact on the existing bicycle routes in the immediate vicinity.

Loading

The project site currently has one loading space and no new loading spaces are planned as part of the project. The conversion of the 90,500 square feet of retail use to office use would result in a decreased demand for loading spaces to serve the building based on the building's size and location in the UMU

zoning district. The Planning Code requirement for loading spaces for office use, 1 space per 100,000 sq. ft. is less than that required for retail uses, 1 space per 25,000 sq. ft. Therefore, the Code requirement for loading spaces for this building is 4 spaces for the current mix of retail and office uses and 2 spaces if the entire building is converted to office use. Though the building is currently underserved, the proposed project would not exacerbate the deficiency of loading spaces. The project proponent has indicated that during the rare occurrence when two trucks arrive at the site at the same time for a delivery, one truck parks along Rhode Island Street.

Parking

The project site currently contains 52 parking spaces in the basement level of the building, and no new parking is proposed. Based on the methodology presented in the 2002 *Transportation Guidelines*, on an average weekday, the planned conversion of 90,500 square feet of from retail to office space would decrease the parking demand for the building by 333 parking spaces, to a total demand of 330 parking spaces for the entire building.

The project site's UMU zoning does not require that on-site parking be provided. San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. This information is provided to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from 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 § 15131(a).) 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 and bike lanes which provide alternatives to auto travel.

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.

In conclusion, no peculiar transportation impacts are anticipated to occur as a result of the proposed project, and the transportation mitigation measures identified in the FEIR are not applicable to the proposed project.

Noise

The Eastern Neighborhoods FEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. In addition, the Eastern Neighborhoods FEIR noted that the project would incrementally increase traffic-generated noise on some streets in the project area, and result in construction noise impacts from pile driving and other construction activities. With implementation of these six noise mitigation measures, noise impacts were found to be less than significant.

The proposed project at 444 De Haro Street involves a change of use to an existing building. No exterior physical changes are planned as a result of this change in use. Mitigation Measures F-1 and F-2 of the FEIR involve noise controls on the use of pile driving equipment and other construction equipment. These two construction noise measures are not applicable to the proposed project because the project would not include any construction, pile driving or otherwise within the existing building, which would not create noise levels that could affect any nearby sensitive receptors.

Mitigation Measure F-3 involves noise-reduction requirements for new development projects that include noise-sensitive uses along streets with elevated noise levels. Mitigation Measures F-4 and F-5 require noise-generation analyses to reduce potential conflicts between noise-generating uses and new sensitive receptors. The project site does not currently contain any sensitive receptors, and the proposed project would not add any sensitive receptors to the project site; thus, these three mitigation measures are not applicable to the proposed project.

Mitigation Measure F-6 pertains to projects with introducing new noise-sensitive uses and requires that open spaces that serve these new uses be shielded to reduce the ambient noise levels. As the project does not include noise-sensitive uses, such as residences and schools, Mitigation Measure F-6 is not applicable to the proposed project.

Air Quality

The Eastern Neighborhoods FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust; roadway-related air quality impacts on sensitive

land uses; and the siting of uses that emit diesel particulate matter (DPM) and toxic air contaminants (TACs) as part of everyday operations.

Four mitigation measures were identified that would reduce air quality impacts to less than significant. Mitigation Measure G-1 imposes construction dust control measures. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176- 08, effective July 30, 2008). The intent of the Ordinance is to reduce the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures ensure that potential dust-related air quality impacts would be reduced less than significant. No exterior or interior construction is planned. Therefore, the project would not result in a significant impact related to construction air quality, and Mitigation Measure G-1 is not applicable to the proposed project.

Mitigation Measure G-2 requires new residential development near high-volume roadways to include an analysis of particulate matter, and, if warranted, incorporate upgraded ventilation systems to minimize exposure of future residents to particulate matter. In response to this concern, Article 38 of the San Francisco Health Code was amended to require that all newly constructed buildings containing ten or more residential units near high-volume roadways (within the 'Potential Roadway Exposure Zone') perform an air quality assessment. While the project site is located within the Potential Roadway Exposure Zone, the proposed project does not involve the addition of residential units; thus this mitigation measure is not applicable to this project.

Mitigation Measure G-3 minimizes potential exposure of sensitive receptors to DPM by requiring that uses generating substantial DPM emissions, including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, be located no less than 1,000 feet from residential units and other sensitive receptors. The proposed project would convert retail space to office space, and is not expected to generate substantial DPM emissions or be served by at least 100 trucks per day or 40 refrigerator trucks per day. Thus, Mitigation Measure G-3 is not applicable to the proposed project.

Measure G-4 involves the siting of commercial, industrial, or other uses that emit TACs. The proposed project would convert retail space to office space and would not be expected to generate any DPM emissions as a result of the change in allowable uses. Thus, Mitigation Measure G-4 is not applicable to the proposed project.

No construction is planned as part of the conversion from retail to office use. Thus, the proposed project would not result in any construction-related air quality impacts.

Greenhouse Gas Emissions

Greenhouse Gases.

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO₂E).⁴

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.⁷

The California Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO₂E (MMT_{CO2E}), or about 535 million U.S. tons.⁸ The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.⁹ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 MMT_{CO2E} emitted in 2007.¹⁰ Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at 7 percent, off-road equipment at 3 percent and agriculture at 1 percent.¹¹

Senate Bill 97 (SB 97) requires the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. The Natural Resources Agency adopted OPR's CEQA guidelines on December 30, 2009, amending various sections of the guidelines to provide guidance for analyzing GHG emissions. Specifically, the amendments add a

⁷ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

⁸ California Air Resources Board, "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf. Accessed March 2, 2010.

⁹ Ibid.

¹⁰ Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed March 2, 2010.

¹¹ Ibid.

new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs. OPR's amendments to the CEQA Guidelines have been incorporated into this analysis accordingly.

Project Greenhouse Gas Emissions

The most common GHGs resulting from human activity are CO₂, CH₄, and N₂O.¹² State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes and are therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during their construction and operational phases. Both direct and indirect GHG emissions are generated by project operations. Operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would not increase the activity on the project site by converting retail/ showroom use to office use, but rather, would result in a decreased demand in transportation and other activity due to the lower trip generation rates of office use compared with retail use. Thus, the proposed project is not anticipated to contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and building operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

San Francisco has been actively pursuing cleaner energy, alternative transportation, and solid waste policies, many of which have been codified into the regulations listed above. In an independent review of San Francisco's community-wide emissions it was reported that San Francisco has achieved a 5 percent reduction in community-wide GHG emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7 percent below 1990 levels by 2012. The "community-wide inventory" includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well as municipal operations. The inventory also includes emissions from both transportation and building energy sources.¹³

As infill development, the proposed project would be constructed in an urban area with good transit access, reducing regional vehicle trips and vehicle miles traveled. Given that San Francisco has implemented binding and enforceable programs to reduce GHG emissions applicable to the proposed project and that San Francisco's sustainable policies have resulted in the measured success of reduced GHG emissions levels, the proposed project's GHG emissions would result in a less than significant impact.

Consistency with Applicable Plans

Both the State and the City of San Francisco have adopted programs for reducing greenhouse gas emissions, as discussed below.

¹²Governor's Office of Planning and Research. Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. June 19, 2008. Available at <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed March 3, 2010.

¹³City and County of San Francisco: Community GHG Inventory Review. August 1, 2008. IFC International, 394 Pacific Avenue, 2nd Floor, San Francisco, CA 94111. Prepared for City and County of San Francisco, Department of the Environment.

Assembly Bill 32. In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500 et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires the ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

Pursuant to AB 32, the ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.¹⁴ The Scoping Plan estimates a reduction of 174 million metric tons of CO₂E (MMT CO₂E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors (see table below). The ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.¹⁵ Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

GHG Reductions from the AB 32 Scoping Plan	
Reduction Measures	GHG Reductions (MMT CO ₂ E)
Reduction Measures By Sector	
Transportation	62.3
Electricity and natural gas	49.7
Industry	1.4
Landfill methane control measure (discrete early action)	1
Forestry	5
High global warming potential GHGs	20.2
Additional reductions needed to achieve the GHG cap	34.4
Total	174
Other Recommended Measures	
Government operations	1-2
Agriculture - methane capture at large dairies	1
Methane capture at large dairies	1
Additional GHG Reduction Measures	
Water reduction measures	4.8
Green buildings measures	26
High recycling/zero waste measures: commercial recycling, composting, anaerobic digestion, extended producer responsibility, and environmentally preferable purchasing	9

¹⁴ ARB, California's Climate Plan: Fact Sheet. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed March 4, 2010.

¹⁵ California Air Resources Board. AB 32 Scoping Plan. Available Online at: http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf. Accessed March 2, 2010.

Total	42.8-43.8
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Source: ARB, California’s Climate Plan: Fact Sheet, “Balanced and Comprehensive Mix of Measures.”

AB 32 also anticipates that local government actions will result in reduced GHG emissions. The ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves, and notes that successful implementation of the plan relies on local governments’ land use planning and urban growth decisions. This is because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State’s GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a “sustainable communities strategy” in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by the ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years, and the Metropolitan Transportation Commission’s 2013 RTP would be its first plan subject to SB 375.

City and County of San Francisco GHG Reduction Strategy. In addition to the State’s GHG reduction strategy (AB 32), the City has developed its own strategy to address greenhouse gas emissions on a local level. The vision of the strategy is expressed in the City’s Climate Action Plan, however implementation of the strategy is appropriately articulated within other citywide plans (General Plan, Sustainability Plan, etc.), policies (Transit-First Policy, Precautionary Principle Policy, etc.), and regulations (Green Building Ordinance, etc.). The following plans, policies, and regulations highlight some of the main components of San Francisco’s GHG reduction strategy.

<p>Overall GHG Reduction Sector</p> <p>San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.</p> <p>The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Emissions.¹⁶ The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent GHG reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.</p> <p>Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City GHG emission targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings. The</p>
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¹⁶San Francisco Department of the Environment and San Francisco Public Utilities Commission, Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions, September 2004.

ordinance establishes the following GHG emission reduction limits for San Francisco and the target dates to achieve them:

- Determine 1990 City GHG emissions by 2008, the baseline level with reference to which target reductions are set;
- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 45 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The ordinance also specifies requirements for City departments to prepare departmental Climate Action Plans that assess, and report to the Department of the Environment, GHG emissions associated with their department's activities and activities regulated by them, and prepare recommendations to reduce emissions. As part of this, the San Francisco Planning Department is required to: (1) update and amend the City's applicable General Plan elements to include the emissions reduction limits set forth in this ordinance and policies to achieve those targets; (2) consider a project's impact on the City's GHG reduction limits specified in this ordinance as part of its review under CEQA; and (3) work with other City departments to enhance the "transit first" policy to encourage a shift to sustainable modes of transportation thereby reducing emissions and helping to achieve the targets set forth by this ordinance.

Transportation Sector

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy (Article 8A, Section 8A.115. of the City Charter) with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particulate matter (PM, or soot) than the buses they replace, they produce 45 percent less oxides of nitrogen (NOx), and they reduce GHGs by 30 percent.

San Francisco Municipal Transportation Agency's Climate Action Plan. In November 2007 voters passed Proposition A, requiring the SFMTA to develop a plan to reach a 20 percent GHG reduction below 1990 levels by 2012 for the City's entire transportation sector, not merely in the SFMTA's internal operations. SFMTA has prepared a Draft Climate Action Plan outlining measures needed to achieve these targets.

Commuter Benefit Ordinance. The Commuter Benefit Ordinance (Environment Code, Section 421), effective January 19, 2009, requires all employers in San Francisco that have 20 or more employees to offer one of the following benefits: (1) A Pre-tax Transit Benefit, (2) Employer Paid Transit Benefits, or (3) Employer Provided Transit.

The City's Planning Code reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development. The City's more recent area plans, such as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve San Francisco's streetscape, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options.

Renewable Energy

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched their "GoSolarSF" program to San Francisco's businesses and residents, offering incentives in the form of a rebate program that could pay for

approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents. The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold Certification.

Green Building

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment code, requiring all new municipal construction and major renovation projects to achieve LEED® Silver Certification from the US Green Building Council.

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 square feet (sq. ft.), residential buildings over 75 feet in height, and renovations on buildings over 25,000 sq. ft. to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance includes reducing CO2 emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and stormwater by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by \$200 million, reducing automobile trips by 545,000, and increasing green power generation by 37,000 megawatt hours.¹⁷

Waste Reduction

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its' waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 72 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills. This ordinance applies to all construction, demolition, and remodeling projects within the City.

Universal Recycling and Composting Ordinance. Signed into law on June 23, 2009, this ordinance requires all residential and commercial building owners to sign up for recycling and composting services. Any property owner or manager who fails to maintain and pay for adequate trash, recycling, and composting service is subject to liens, fines, and other fees.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments, and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires many stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

AB 32 contains a comprehensive approach for developing regulations to reduce statewide GHG emissions. The ARB acknowledges that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas sectors. Many of the measures in the Scoping Plan—such as implementation of increased fuel efficiency for vehicles (the “Pavley” standards), increased efficiency in utility operations, and development of more renewable energy sources—require statewide action by government, industry, or both.

¹⁷These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

Some of the Scoping Plan measures are at least partially applicable to development projects, such as increasing energy efficiency in new construction, installation of solar panels on individual building roofs, and a “green building” strategy. As evidenced above, the City has already implemented several of these measures that require local government action, such as the Green Building Ordinance, a zero waste strategy, the Construction and Demolition Debris Recovery Ordinance, and a solar energy generation subsidy program, to realize meaningful reductions in GHG emissions. These programs (and others not listed) collectively comprise San Francisco’s GHG reduction strategy and continue San Francisco’s efforts to reduce the City’s greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City’s 2004 Climate Action Plan. The City’s GHG reduction strategy also furthers the State’s efforts to reduce statewide GHG emissions as mandated by AB 32.

The proposed project would be required to comply with GHG reduction regulations as discussed above, as well as applicable AB 32 Scoping Plan measures that are ultimately adopted and become effective during implementation of proposed project. Given that the City has adopted numerous GHG reduction strategies recommended in the AB 32 Scoping Plan; that the City’s GHG reduction strategy includes binding, enforceable measures to be applied to development projects, such as the proposed project; and that the City’s GHG reduction strategy has produced measurable reductions in GHG emissions, the proposed project would not conflict with either the state or local GHG reduction strategies. In addition, the proposed project would not conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Therefore, the proposed project would have a less-than-significant impact with respect to GHG emissions.

In summary, the project proposes to convert existing retail space to office use. The proposed project would contribute to the cumulative effects of climate change by emitting greenhouse gases (GHGs) during operational phases. No construction is planned as part of the project. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations. The project site is located within the Showplace Square – Potrero Hill Area Plan analyzed under the Eastern Neighborhoods Rezoning EIR. The Eastern Neighborhoods Rezoning EIR assessed the GHG emissions that could result from rezoning under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of carbon dioxide equivalents (CO₂E)¹⁸ per service population¹⁹, respectively.²⁰ The Eastern Neighborhoods EIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. The Eastern Neighborhoods EIR adequately addressed greenhouse gas emissions and the resulting emissions were determined to be less than significant. Therefore, the project would not result in any significant impacts related to GHG emissions.

¹⁸Greenhouse gas emissions are typically measured in CO₂E, or carbon dioxide equivalents. This common metric allows for the inclusion of the global warming potential of other greenhouse gases. Land use project’s, such as this, may also include emissions from methane (CH₄) and nitrous oxide (N₂O), therefore greenhouse gas emissions are typically reported at CO₂E.

¹⁹SP= Service Population. Service population is the equivalent of total number of residents + employees.

²⁰Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods. April 20, 2010. Memorandum from Jessica Range, MEA to MEA staff. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods Rezoning EIR and provides an analysis of the emissions using a service population metric.

Hazards and Hazardous Materials

The FEIR found that the rezoning of currently zoned industrial (PDR) land to residential, commercial, or open space uses in the Eastern Neighborhoods would result in the incremental replacement of some of the existing non-conforming businesses with development of these other land uses. Development may involve demolition or renovation of existing structures that may contain hazardous building materials that were commonly used in older buildings, and which could present a public health risk if disturbed during an accident or during demolition or renovation. The Eastern Neighborhoods FEIR identified a mitigation measure to reduce this impact to less than significant.

No exterior or interior renovations are planned as part of the conversion of retail use to office use at 444 De Haro Street. Thus, Mitigation Measure L-1, Hazardous Building Materials, which regulates the proper disposal of hazardous building materials would not apply to the proposed project.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on March 22, 2012 to owners of properties within 300 feet of the project site and adjacent occupants, as well as the San Francisco Planning Department's notification list for the Potrero Hill and SOMA neighborhoods. Comments were received from two Kansas Street residents who expressed concerns over the adequacy of parking for the office use, as well as the need for retail uses to serve the neighborhood. Discussion of land use is on page 5 and parking on page 8 of the Community Plan Exemption Checklist.²¹

Conclusion

The Eastern Neighborhoods FEIR incorporated and adequately addressed all potential impacts of the proposed project at 444 De Haro Street. As described above, the 444 De Haro Street project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods FEIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods FEIR. Thus, the proposed project at 444 De Haro Street would not have any new significant or peculiar effects on the environment not previously identified in the Eastern Neighborhoods FEIR, nor would any environmental impacts be substantially greater than described in the FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

²¹ San Francisco Planning Department, Community Plan Exemption Checklist, 444 De Haro Street, May 2, 2012. This document is on file and available for review as part of Case 2012.0041E at 1650 Mission Street, Suite 400, San Francisco, CA.

Community Plan Exemption Checklist

<i>Case No.:</i>	2012.0041E
<i>Project Title:</i>	444 De Haro Street, Conversion of 90,500 Square Feet of Retail Space to Office Use
<i>Zoning:</i>	UMU (Urban Mixed Use) 48-X Height and Bulk District
<i>Block/Lot:</i>	(3979)/(001)
<i>Lot Size:</i>	75,625 square feet
<i>Plan Area:</i>	Showplace Square – Potrero Hill Subarea of the Eastern Neighborhood Rezoning and Area Plan

A. PROJECT DESCRIPTION

The project site is located on the southwest corner of 17th and De Haro Streets on the block bounded by 17th, De Haro, Mariposa, and Rhode Island Streets. There are two buildings on the project site: a two-story plus basement-level, 164,000 sq. ft. masonry building at 444 De Haro Street and a two-story, 12,528 sq. ft. wood frame building at 488 De Haro Street. The larger building covers most of the project site with the smaller building located in the southeast corner, closest to the intersection of De Haro and Mariposa Streets. No changes, land use, physical, or otherwise, are currently proposed to the smaller building. The larger masonry building was constructed in 1927 and occupied by the industrial Western Can Company before being converted in 1984 to office and retail/ showroom uses on the first and second floor and a parking garage on the basement level. Currently, the building is occupied by various office tenants, but no retail businesses.

In 1984 when the change of use was approved from industrial to office and retail/ showroom, 49,500 sq. ft. was designated as office use, 60,500 sq. ft. designated as retail/ showroom, and 24,000 sq. ft. as a parking garage, and the remainder of 30,000 sq. ft. was allocated as common area including but not limited to corridors, restrooms, stairs, mechanical rooms, and a public lobby. The allocation of allowable retail and office use was made for the entire building rather than assigned to specific areas or suites.

The proposed project would allow the conversion of 60,500 square feet of building area from the previously-approved retail/ showroom use to office use. As the project sponsor seeks to clarify that the entire building is approved for office use, the proposal includes converting the 30,000 sq. ft. of common area space to office use. The project involves only a change of use and no exterior changes to the building are planned or needed to facilitate additional office uses.

The project would require an allocation for office development by the Planning Commission under San Francisco Planning Code Section 321. Also, the project would need a Zoning Administrator determination that allowing the proposed office use on the first floor would enhance the feasibility of preserving the 444 De Haro Street building, per Planning Code Section 803.9(c).

B. EVALUATION OF ENVIRONMENTAL EFFECTS

The following checklist identifies the potential environmental impacts of the proposed project and indicates whether any such impacts are addressed in the applicable Programmatic EIR (FEIR) for the plan area.

This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable Programmatic EIR (FEIR) for the plan area (i.e., the Eastern Neighborhoods Rezoning and Area Plans Final EIR). Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is identified in the FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the FEIR, the item is checked "Project Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text for each topic area.

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the FEIR. Any impacts not identified in the FEIR will be addressed in a separate Focused Initial Study or EIR. All items for which the FEIR identified as not a significant impact or the project would not have a significant peculiar impact are also checked "Addressed Below," and are discussed.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
1. LAND USE AND LAND USE PLANNING—				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for discussion of this topic.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
2. AESTHETICS— Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No Significant Impacts Identified in FEIR

The Eastern Neighborhoods FEIR determined that implementation of the design policies of the area plans would not substantially degrade the visual character or quality of the area, have a substantial adverse effect on a scenic vista, substantially damage scenic resources that contribute to a scenic public setting, or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties. No mitigation measures were identified in the FEIR.

No Peculiar Impacts

The proposed project involves changing the allowable uses within an existing building and would not result in any exterior changes. The proposed project would not have any impacts on scenic vistas or scenic resources, would not degrade the visual character of the neighborhood, and would not create a new source of light or glare. Thus, the project would have no peculiar impacts related to aesthetics.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project has Peculiar Sig. Impact</i>	<i>Addressed Below</i>
3. POPULATION AND HOUSING—				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No Significant Impacts Identified in FEIR

The Eastern Neighborhoods FEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the FEIR.

No Peculiar Impacts

The proposed project does not involve the development of residential use or the displacement of people. As no housing would be removed, the construction of replacement housing would not be necessary. In addition, the project does not propose any new infrastructure that would indirectly induce population growth.

The FEIR concluded that an increase in population in the Plan Area was expected to occur as a secondary effect of the proposed rezoning that would not, in itself, result in adverse physical effects, but would serve to advance some key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City’s Transit First policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the Plan neighborhoods, including the Showplace Square/ Potrero Hill area. The FEIR estimated that approximately 5,000 new jobs would be added in the Showplace Square/ Potrero Hill Area between 2000 – 2025. Based on the City’s standard employment densities of 1 employee per 276 sq ft. of office space and 1 employee per 350 sq. ft. of retail use, the proposed project is projected to generate up to 69 new jobs which would be within those anticipated to be added as a result of the Plan. The FEIR

concluded that the additional housing demand generated by the Plan rezoning would be offset by the provision of additional housing development in the Plan Area.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for discussion of this topic.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
5. TRANSPORTATION AND CIRCULATION—				
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for discussion of this topic.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
6. NOISE—Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for discussion of this topic.

<i>Topics:</i>	<i>Project</i>		<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
	<i>Sig Impact Identified in FEIR</i>	<i>contributes to Sig. Impact Identified in FEIR</i>		

7. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for discussion of this topic.

<i>Topics:</i>	<i>Project</i>		<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
	<i>Significant Impact Identified in FEIR</i>	<i>Contributes to Sig. Impact Identified in FEIR</i>		

8. GREENHOUSE GAS EMISSIONS—

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Please see Certificate of Determination for discussion of this topic.

<i>Topics:</i>	<i>Sig. Impact identified in FEIR</i>	<i>Project contributes to Sig. Impact Identified in FEIR</i>	<i>Project has Sig. Peculiar Impact Not Identified in FEIR</i>	<i>Addressed Below</i>
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Wind

Significant Impacts Identified in FEIR

Wind impacts are judged to be less-than-significant at a plan level of analysis and for cumulative development. Specific projects within Eastern Neighborhoods will require analysis of wind impacts where deemed necessary. Thus, wind impacts were determined not to be significant in the Eastern Neighborhoods Initial Study and were not analyzed in the FEIR. No mitigation measures were identified in the FEIR.

No Peculiar Impacts

The proposed project would not alter the height of the existing building; thus, wind impacts are not applicable to the proposed project.

Shadow-

Significant Impacts Identified in FEIR

Under the Eastern Neighborhoods Area Plan, sites surrounding parks could be redeveloped with taller buildings without triggering with Section 295 of the Planning Code.²² The potential for new shadow impacts and the feasibility of mitigation for potential new shadow impacts of unknown development proposals could not be determined in the FEIR; thus, the FEIR determined shadow impacts to be significant and unavoidable, and no mitigation measures were identified.

²²Section 295 of the Planning Code provides that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of or designated to be acquired by the Recreation and Parks Department can only be approved by the Planning Commission.

No Peculiar Impacts

The proposed project would not alter the height of the existing building; thus, shadow impacts are not applicable to the proposed project.

<i>Topics:</i>	<i>Project</i>		<i>Project has</i>	
	<i>Sig. Impact Identified in FEIR</i>	<i>Contributes to Sig. Impact Identified in FEIR</i>	<i>Peculiar Impact Not Identified in FEIR</i>	<i>Addressed Below</i>
10. RECREATION—Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No Significant Impacts Identified in FEIR

The FEIR concluded that the Eastern Neighborhoods Rezoning and Area Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures were identified in the FEIR.

No Peculiar Impacts

The proposed project would allow retail space to be occupied by office tenants, resulting in an increase of approximately 69 employees. This would be within the expected daytime population increase and would not result in substantial deterioration of recreational resources beyond what was analyzed in the FEIR.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project has Peculiar Impact Not Identified in FEIR</i>	<i>Addressed Below</i>
11. UTILITIES AND SERVICE SYSTEMS—Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No Significant Impacts Identified in FEIR

The Eastern Neighborhoods Initial Study analyzed growth projections and determined that the program's impacts on the provision of water, wastewater collection and treatment, and solid waste collection and disposal would not be significant. No mitigation measures were identified in the FEIR.

No Peculiar Impacts

The project would convert retail/ showroom space to office use. The proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods FEIR.

<i>Topics:</i>	<i>Project Contributes</i>		<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
	<i>Sig. Impact identified in FEIR</i>	<i>to Sig. Impact Identified in FEIR</i>		

12. PUBLIC SERVICES— Would the project:

a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project would not substantially increase demand for police or fire protection services and would not necessitate new school facilities in San Francisco. The proposed project would not result in a significant impact to public services.

<i>Topics:</i>	<i>Project Contributes</i>		<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
	<i>Sig. Impact Identified in FEIR</i>	<i>to Sig. Impact Identified in FEIR</i>		

**13. BIOLOGICAL RESOURCES —
Would the project:**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<i>Topics:</i>	<i>Project</i>			
	<i>Sig. Impact Identified in FEIR</i>	<i>to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is an existing building located in a developed urban area which does not provide or support habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. Accordingly, the project does not involve any exterior changes or improvements and would not result in any impact on sensitive species, special status species, native or migratory fish species, or wildlife species. The project would not result in any significant effect with regard to biology, nor would the project contribute to any potential cumulative effects on biological resources.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project has Peculiar Impact Not Identified in FEIR</i>	<i>Addressed Below</i>
14. GEOLOGY AND SOILS —				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No exterior improvements, including soil disturbing activities, would be completed as part of the proposed conversion of the retail/ showroom use to office use. In 1994, the existing masonry building was

structurally reinforced in compliance with the City’s Parapet Ordinance to secure the parapet and other roofline appendages. When reviewing building plans, the Department of Building Inspection (DBI) refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas. Potential geologic hazards were anticipated to be mitigated during the permit review process through these measures. All office tenant improvement plans for tenants in the building would be required to adhere to all Building Code standards for improvements within any applicable special seismic or hazard area.

<i>Topics:</i>	<i>Sig. Impact Identified In FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
15. HYDROLOGY AND WATER QUALITY—				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Project Contributes</i>			
	<i>Sig. Impact Identified in FEIR</i>	<i>to Sig. Impact Identified in FEIR</i>	<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project does not involve any exterior improvements or changes to surface materials. Thus, the project would not change the amount of impervious surface on the site and runoff and drainage from the site would not increase nor change. The property is not within a special flood hazard or coastal zone flooding area. Effects related to water resources would not be significant, either individually or cumulatively.

<i>Topics:</i>	<i>Project Contributes</i>			
	<i>Sig. Impact identified in FEIR</i>	<i>to Sig. Impact Identified in FEIR</i>	<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
16. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Project</i>			
	<i>Sig. Impact identified in FEIR</i>	<i>to Sig. Impact Identified in FEIR</i>	<i>Project has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please see the Certificate of Determination for discussion of this topic.

<i>Topics:</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Project Contributes to Sig. Impact Identified in FEIR</i>	<i>Project Has Sig. Peculiar Impact</i>	<i>Addressed Below</i>
16. MINERAL AND ENERGY RESOURCES—				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would not result in a significant physical environmental effect with respect to mineral and energy resources.

<i>Topics:</i>	<i>NoSig. Impact</i>	<i>Sig. Impact Identified in FEIR</i>	<i>Sig. Impact Not Identified in FEIR</i>	<i>Addressed Below</i>
18. AGRICULTURE RESOURCES				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>NoSig.</i>	<i>Sig. Impact</i>	<i>Sig. Impact Not</i>	<i>Addressed</i>
	<i>Impact</i>	<i>Identified in</i>	<i>Identified in</i>	
	<i>FEIR</i>	<i>FEIR</i>	<i>FEIR</i>	<i>Below</i>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site does not contain agricultural uses and is not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural resources.

<i>Topics:</i>	<i>Sig. Impact</i>	<i>Project</i>		<i>Addressed</i>
		<i>Identified</i>	<i>Contributes</i>	
	<i>in FEIR</i>	<i>Identified in</i>	<i>Peculiar Sig</i>	<i>Below</i>
	<i>FEIR</i>	<i>FEIR</i>	<i>Impact</i>	
18. MANDATORY FINDINGS OF SIGNIFICANCE—				
Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would include the conversion of retail/ showroom space to office use. As discussed in this document, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods Final EIR.

C. DETERMINATION

On the basis of this review, it can be determined that:

- The proposed project qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**
- All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (FEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.
- The proposed project may have a potentially significant impact not identified in the FEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and **MITIGATED NEGATIVE DECLARATION** are required, analyzing the effects that remain to be addressed.
- The proposed project may have a potentially significant impact not identified in the FEIR for the topic area(s) identified above. An **ENVIRONMENTAL IMPACT REPORT** is required, analyzing the effects that remain to be addressed.

