

#270927



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Exemption

**ENDORSED
FILED**
San Francisco County Clerk

NOV 01, 2013

by: **JENNIFER WONG**
Deputy County Clerk

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POSTED
NOV 01 2013
TO

Approval Date: July 11, 2013
Case No.: **2013.0477E**
Project Title: **435-437 Potrero Avenue**
Zoning: Urban Mixed Use District (UMU)
 58X Height and Bulk District
Block/Lot: 3974/022
Lot Size: 4,996 square feet
Lead Agency: San Francisco Planning Department
Project Sponsor: David Silverman, Reuben, Junius & Rose LLP on behalf of Industry Capital
 Internet Infrastructure, LLC
 (415) 567-9000
 dsilverman@reubenlaw.com
Staff Contact: Nannie Turrell
 (415) 575-9047
 Nannie.turrell@sfgov.org

To: County Clerk, City and County of San Francisco
 City Hall Room 168
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102

Pursuant to the California Environmental Quality Act (CEQA), the Guidelines of the Secretary for Resources, and San Francisco requirements, this Notice of Exemption is transmitted to you for filing. At the end of the posting period, please return this Notice to the Staff Contact with a notation of the period it was posted.

Attached fee: \$53 filing fee

PROJECT DESCRIPTION:

The proposed project would establish an Internet Services Exchange (ISE) to occupy the entire building of approximately 10,000 sq. ft. through the Eastern Neighborhoods Legitimization program. No changes to the exterior of the building are proposed except for some additional screening for the existing rooftop mechanical equipment. In contrast to larger ISEs, this project's small scale, local ownership, and central location will allow it to provide services to smaller users and businesses within the City.

DETERMINATION:

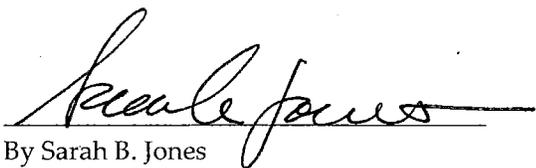
The City and County of San Francisco decided to carry out or approve the project on July 11, 2013. The Planning Commission conducted a duly noticed public hearing on Conditional Use Application No. 2013.0477C. The Commission approved Motion No. 18921 adopting findings relating to the approval of CU Authorization pursuant to Planning Code Sections 179, 227(r), 303, and 303(h), to allow

approximately 10,000 gsf of ISE on the entirety of both floors at 435-437 Potrero Avenue. The categorical exemption was appealed on August 12, 2013 by Mica Ringel. The San Francisco Board of Supervisors upheld the issuance of the exemption on October 1, 2013 at a duly noticed public hearing. A copy of the documents may be examined at 1650 Mission Street, Suite 400, San Francisco, CA, 94103 in File No. 2013.0477E.

1. An Exemption from Environmental Review has been prepared pursuant to the provisions of CEQA under [CHECK ONE]:
 - Ministerial (Sec. 21080(b)(1); 15268)
 - Declared Emergency (Sec. 21080(b)(3); 15269(a))
 - Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 - Categorical Exemption. State type and section number: CEQA Guidelines Section 15301
 - Statutory Exemption. State code number: _____
 - Community Plan Exemption (Sec. 21083.3; 15183)

2. This project in its approved form has been determined to be exempt from environmental review because the proposed project is an existing facility and would involve negligible or no expansion of the existing use.

John Rahaim
Planning Director



By Sarah B. Jones
Environmental Review Officer

October 31, 2013
Date

cc: David Silverman, Reuben, Junius, & Rose, LLP
Nannie R. Turrell, San Francisco Planning Department