

1 [Preparation of Findings to Reverse the Community Plan Exemption Determination for a  
2 Proposed Project at 1515 South Van Ness Avenue]

3 **Motion directing the Clerk of the Board to prepare findings reversing a Community Plan**  
4 **Exemption determination by the Planning Department that a proposed project at 1515**  
5 **South Van Ness Avenue is exempt from further environmental review.**

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7 WHEREAS, On July 12, 2016, the Planning Department issued a Community Plan  
8 Exemption under the Eastern Neighborhoods Rezoning and Area Plan Final Environmental  
9 Impact Report (FEIR), finding that the proposed project located at 1515 South Van Ness  
10 Avenue (“Project”): is consistent with the development density established by the zoning,  
11 community plan, and general plan policies in the Eastern Neighborhoods Rezoning and Area  
12 Plan project area, for which the FEIR was certified; would not result in new significant  
13 environmental effects, or effects of greater severity than were already analyzed and disclosed  
14 in the FEIR; and is therefore exempt from further environmental review under the California  
15 Environmental Quality Act (CEQA), Public Resources Code, Section 21000 et seq., the CEQA  
16 Guidelines, and Administrative Code, Chapter 31, in accordance with CEQA, Section 21083.3  
17 and CEQA Guidelines, Section 15183; and

18 WHEREAS, The proposed project involves the demolition of an existing, vacant  
19 building used for production, distribution, repair (PDR) and a surface parking lot and  
20 construction of a five- to six-story, approximately 180,300-square-foot mixed-use building,  
21 consisting of 157 residential dwelling units and approximately 1,080 square feet of retail uses,  
22 as well as six ground floor trade shop spaces of approximately 4,200 square feet total; and

23 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
24 September 12, 2016, J. Scott Weaver, on behalf of Calle 24 Latino Cultural District  
25 Community Council (Appellant) appealed the exemption determination; and

1           WHEREAS, The Appellant provided a copy of the Planning Commission’s Motion  
2 No. 19727, adopted on August 11, 2016, approving a conditional use authorization under  
3 Planning Code, Section 303 and a Planned Unit Development, finding that the proposed  
4 project was within the scope of the FEIR and exempt from further environmental review under  
5 CEQA, Section 21083.3 and CEQA Guidelines, Section 15183; and

6           WHEREAS, The Planning Department’s Environmental Review Officer, by  
7 memorandum to the Clerk of the Board dated September 15, 2016, determined that the  
8 appeal had been timely filed; and

9           WHEREAS, On November 15, 2016, this Board held a duly noticed public hearing to  
10 consider the appeal of the exemption determination filed by Appellant and, following the public  
11 hearing, reversed the exemption determination; and

12           WHEREAS, In reviewing the appeal of the exemption determination, this Board  
13 reviewed and considered the exemption determination, the appeal letter, the responses to the  
14 appeal documents that the Planning Department prepared, the other written records before  
15 the Board of Supervisors, and all of the public testimony made in support of and opposed to  
16 the exemption determination appeal; and

17           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
18 reversed the exemption determination for the project based on the written record before the  
19 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
20 opposed to the appeal; and

21           WHEREAS, The written record and oral testimony in support of and opposed to the  
22 appeal and deliberation of the oral and written testimony at the public hearing before the  
23 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
24 the exemption determination is in the Clerk of the Board of Supervisors File No. 161001 and is  
25 incorporated in this motion as though set forth in its entirety; now, therefore, be it

1            MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
2 findings specifying the basis for its decision on the appeal of the exemption determination  
3 issued by the Planning Department for the project.

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