

BOARD of SUPERVISORS



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October 24, 2016

To: John Rahaim  
Planning Director

From: *ACC* Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 2675 Folsom Street**

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed project at 2675 Folsom Street was filed with the Office of the Clerk of the Board on October 21, 2016, by J. Scott Weaver, on behalf of the Calle 24 Latino Cultural District Community Council.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks John Carroll at (415) 554-4445 or Brent Jalipa at (415) 554-7712.

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
AnMarie Rodgers, Senior Policy Advisor, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
Richard Sucre, Staff Contact, Planning Department  
Justin Horner, Staff Contact, Planning Department  
Jonas Ionin, Planning Commission Secretary, Planning Department

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West Bay Law  
Law Office of J. Scott Weaver

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October 21, 2016

Clerk, San Francisco Board of Supervisors  
Environmental Review Officer, Bill Wycko  
#1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**Re: Case No. 2014-000601 CUA, 2014-000601ENX- 2675 Folsom Street  
Appeal of the September 22, 2016 Planning Commission Decisions**

Dear Members of the Board of Supervisors and Bill Wycko:

The Calle 24 Latino Cultural District Community Council appeals the following decisions of the Planning Commission made on August 11, 2016 regarding the project proposed for 2675 Folsom Street ("Proposed Project" hereafter) proposed by applicant Muhammed Nadhiri of Axis Development Group Company.

- 1) Adoption of a Community Plan Exemption and CEQA findings under Section 15183 of the CEQA guidelines and Public Resources Code Section 21083.3.1

The Final Motion for the relevant appeals is attached as **Exhibit A**. Evidence in support of the appeals is attached as **Exhibits B-D** and is also contained in the letters submitted to the Planning Department objecting to the approval of the Project and the Community Plan Exemption, incorporated here by reference.

- 1. Appeal of the adoption of the Community Plan Exemption and CEQA Findings**

The appeal of the adoption of the Community Plan Exemption and CEQA Findings are filed on the following bases.

- The CEQA findings did not take into account the potential impacts of the Proposed Project on the Calle 24 Latino Cultural District (LCD), which was not designated at the time the PEIR was prepared. Potential impacts due to gentrification and displacement to businesses, residents, and nonprofits within the LCD, including impacts to cultural, aesthetic, and historic resources, health and safety and increased traffic due to increased automobile ownership and reverse commutes and shuttle busses have not been considered.
- The Proposed Project does not qualify for a Community Plan Exemption under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 because the approval is based upon an out of date 2008 EIR prepared for the Eastern Neighborhoods Area Plan and the EIR's analysis and determination can no longer be relied upon to support the claimed exemption in the areas of, *inter alia*, direct, indirect, and cumulative impacts to: land use, consistency with Mission Area Plans and policies, land use, recreation and open space, traffic and circulation, transit and transportation, health and safety, and impacts relative to the Calle 24 Latino Cultural District.
- The PEIR's projections for housing, including this project and those in the pipeline, have been exceeded when cumulative impacts are considered, i.e., "past, present, and reasonably foreseeable probable future projects." (Guidelines, § 15355) The amount of housing development and the pace of that development were not envisioned in the Eastern Neighborhoods Plan EIR neither for the Eastern Neighborhoods in general nor the Mission Area Plan in particular.
- The claimed community benefits of the Eastern Neighborhoods Area Plan, outlined in the 2008 PEIR, its approvals and the Statement of Overriding Considerations have not been fully funded, implemented, or are underperforming and the determinations and findings for the proposed Project that rely on the claimed benefits to override impacts outlined in the PEIR are not supported. The City should have conducted Project level review based upon up to date data and the actual community benefits that have accrued since the adoption of the 2008 plan and did not.

- Substantial changes in circumstances require major revisions to the Eastern Neighborhoods Area Plan EIR due to the involvement of new significant environmental effects and an increase in the severity of previously identified significant impacts; there is new information of substantial importance that would change the conclusions set forth in said EIR and the requirements of the Mitigation Monitoring and Reporting Report.
- The CEQA findings are inadequate and incomplete and are not supported by substantial evidence.
- The Proposed Project is inconsistent with the General Plan and the Mission Area Plan.

## 2. Pattern and Practice

The City is engaging in a pattern and practice of approving residential projects in the Mission based upon a Community Plan Exemption that improperly tiers off of an out of date Eastern Neighborhoods Area Plan EIR instead of conducting project level environmental review. This results in the approval of projects with unexamined environmental affects to the detriment of Mission residents.

## 2. Exhibits (Attached)

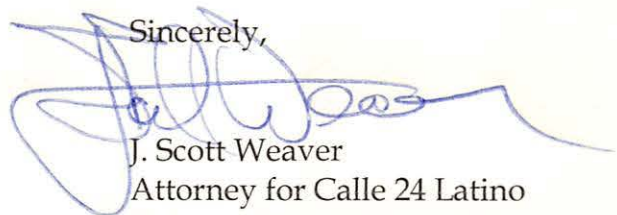
**Exhibit A:** Planning Commission Motion Nos. 19744, 19745

**Exhibit B:** Link to Video of August 4, 2016 and September 22, 2016 Planning Commission hearings.

**Exhibit C:** Link to Eastern Neighborhoods Plan EIR, Motion 17661 of the Planning Commission, which adopted CEQA findings for the Plan EIR.

**Exhibit D:** Evidence in support of the Appeal

Sincerely,



J. Scott Weaver  
Attorney for Calle 24 Latino  
Cultural District Council