

1 [Affirming the Categorical Exemption Determination - 1526 Wallace Avenue]

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3 **Motion affirming the determination by the Planning Department that a proposed project**
4 **at 1526 Wallace Avenue is categorically exempt from further environmental review**

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6 WHEREAS, On November 30, 2017, the Planning Department issued a CEQA
7 Categorical Exemption Determination for the proposed project at 1526 Wallace Avenue
8 (“Project”) under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines,
9 and San Francisco Administrative Code, Chapter 31; and

10 WHEREAS, The proposed Project involves alteration to an existing building including
11 interior tenant improvements, with no expansion of the building envelope, in order to
12 accommodate a small-scale (2,100 square feet) halal live poultry slaughterhouse with direct
13 sales to customers on site; and

14 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
15 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
16 issued a categorical exemption for the project on November 30, 2017, finding that the
17 proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class
18 1 categorical exemption, which applies to minor alterations of existing facilities, including
19 additions to existing structures provided that the addition will not result in an increase of more
20 than 10,000 square feet if the project is in an area where all public services and facilities are
21 available to allow for maximum development permissible in the General Plan, and the area in
22 which the project is located is not environmentally sensitive; and

23 WHEREAS, In addition, the Planning Department has found that the Project qualifies
24 for an exemption under Class 3 of the CEQA Guidelines (14 Cal. Code Reg. Section 15303),

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1 which applies to projects that include new construction or changes of use under 10,000
2 square feet, if such change of use is principally permitted or permitted with a Conditional Use
3 Authorization; and

4 WHEREAS, On December 26, 2017, an appeal of the categorical exemption was filed
5 by Cristina Stella on behalf of the Animal Legal Defense Fund (“Appellant”); and

6 WHEREAS, By memorandum to the Clerk of the Board dated December 28, 2017, the
7 Planning Department’s Environmental Review Officer determined that the appeal was timely
8 filed; and

9 WHEREAS, On February 13, 2018, 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, affirmed 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 affirmed 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.180013, and is
25 incorporated in this motion as though set forth in its entirety; now, therefore, be it

1 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
2 reference in this motion, as though fully set forth, the exemption determination; and, be it

3 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
4 record before it there are no substantial project changes, no substantial changes in project
5 circumstances, and no new information of substantial importance that would change the
6 conclusions set forth in the exemption determination by the Planning Department that the
7 proposed Project is exempt from environmental review; and, be it

8 FURTHER MOVED, That after carefully considering the appeal of the exemption
9 determination, including the written information submitted to the Board of Supervisors and the
10 public testimony presented to the Board of Supervisors at the hearing on the exemption
11 determination, this Board concludes that the Project qualifies for an exemption determination
12 under CEQA.

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