

File No. 161003

Committee Item No. \_\_\_\_\_

Board Item No. 25.

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: April 18, 2017

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- Board Motion No. M16-176 - December 6, 2016
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: Brent Jalipa

Date: April 13, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Reversing the Community Plan Exemption Determination for a Proposed Project at 1515  
2 South Van Ness Avenue]

3 **Motion reversing the determination by the Planning Department that a proposed**  
4 **project at 1515 South Van Ness Avenue is exempt from further environmental review**  
5 **under a Community Plan Exemption.**

6  
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 April 18, 2017, 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

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MOVED, That this Board of Supervisors reverses the determination by the Planning Department that the project is exempt from environmental review.

1 [Rescinding Motion Reversing the Community Plan Exemption Determination and Requesting  
2 Additional Information - Proposed Project at 1515 South Van Ness Avenue]

3 **Motion rescinding Board of Supervisors Motion No. 16-156 reversing the Planning**  
4 **Department's determination that a proposed project at 1515 South Van Ness Avenue**  
5 **does not require further environmental review under a Community Plan Exemption;**  
6 **removing the motion in Board File No. 161002 from the table; and requesting further**  
7 **information from the Planning Department related to the potential environmental**  
8 **impacts of the proposed project.**

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

21 WHEREAS, The proposed project involves the demolition of an existing, vacant  
22 building used for production, distribution, repair (PDR) and a surface parking lot and  
23 construction of a five- to six-story, approximately 180,300-square-foot mixed-use building,  
24  
25

1 consisting of 157 residential dwelling units and approximately 1,080 square feet of retail uses,  
2 as well as six ground floor trade shop spaces of approximately 4,200 square feet total; and

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

6 WHEREAS, The Appellant provided a copy of the Planning Commission's Motion No.  
7 19727, adopted on August 11, 2016, approving a conditional use authorization under  
8 Planning Code Section 303 and a Planned Unit Development, finding that the proposed  
9 project was within the scope of the FEIR and does not require further environmental review  
10 under CEQA Section 21083.3 and CEQA Guidelines Section 15183; and

11 WHEREAS, The Planning Department's Environmental Review Officer, by  
12 memorandum to the Clerk of the Board dated September 15, 2016, determined that the  
13 appeal had been timely filed; and

14 WHEREAS, On November 15, 2016, this Board held a duly noticed public hearing to  
15 consider the appeal of the exemption determination filed by Appellant and, by Motion No. 16-  
16 156 following the public hearing, reversed the Planning Department's determination and  
17 requested additional information and analysis be provided; and

18 WHEREAS, In reviewing the appeal of the environmental determination, this Board  
19 reviewed and considered the Planning Department's determination, the appeal letter, the  
20 responses to the appeal documents that the Planning Department prepared, the other written  
21 records before the Board of Supervisors and all of the public testimony made in support of  
22 and opposed to the exemption determination appeal; and

23 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
24 by Motion No. 16-156 reversed the exemption determination for the project based on the  
25

1 written record before the Board of Supervisors as well as all of the testimony at the public  
2 hearing in support of and opposed to the appeal; and

3 WHEREAS, The Board of Supervisors also tabled the proposed motion in Board File  
4 No. 161002, affirming the determination by the Planning Department that a proposed project  
5 at 1515 South Van Ness Avenue is exempt from further environmental review under a  
6 Community Plan Exemption; and

7 WHEREAS, The written record and oral testimony in support of and opposed to the  
8 appeal and deliberation of the oral and written testimony at the public hearing before the  
9 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
10 the exemption determination is in the Clerk of the Board of Supervisors File No. 161001 and is  
11 incorporated in this motion as though set forth in its entirety; and

12 WHEREAS, Public Resources Code Section 21083.3 and CEQA Guidelines Section  
13 15183 require that where a proposed project is consistent with the development density  
14 established by the zoning, community plan, and general plan policies in the Eastern  
15 Neighborhoods Rezoning and Area Plan project area, for which the FEIR was certified and  
16 would not result in new significant environmental effects, or effects of greater severity than  
17 were already analyzed and disclosed in the FEIR, further environmental review under the  
18 California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.,  
19 the CEQA Guidelines, and San Francisco Administrative Code Chapter 31, shall not be  
20 required; and

21 WHEREAS, CEQA Guidelines Section 15382 states that "economic or social change  
22 by itself shall not be considered a significant effect on the environment" but that "social or  
23 economic change related to a physical change may be considered in determining whether the  
24 physical change is significant"; and

1           WHEREAS, This Board considered these issues, heard testimony, and shared  
2 concerns that further information and analysis was required regarding whether the proposed  
3 project would result in social or economic change such as displacement and gentrification  
4 and, if so, whether such social or economic change could lead to physical impacts on the  
5 environment with regard to traffic or air quality within the geographic boundaries of the Calle  
6 24 Latino Cultural District; and

7           WHEREAS, This Board heard and shared concerns that any such additional  
8 environmental analysis should consider both potential project specific and cumulative impacts  
9 to the physical environment resulting from any such social or economic change; and

10           WHEREAS, This Board now finds that this additional information and analysis should  
11 be brought before this Board so that such information and analysis may be considered as part  
12 of the Board's decision regarding whether to uphold the appeal of the environmental  
13 determination for the proposed Project; and

14           WHEREAS, It was not the intent of the Board to reverse the Community Plan  
15 Exemption on November 15, 2016, but rather to request that further information be provided  
16 to aid this Board in its decisionmaking; now, therefore, be it

17           MOVED, That because the Board of Supervisors has not yet adopted findings as  
18 required by Administrative Code, Section 31.16(b)(8), to support its decision to reverse the  
19 exemption determination for the project, the appeal is not yet fully resolved and the Board has  
20 requested further information to aid in its decisionmaking; and, be it

21           FURTHER MOVED, That this Board of Supervisors rescinds Motion No. 16-156,  
22 reversing the determination by the Planning Department that a proposed project at 1515  
23 South Van Ness Avenue is exempt from further environmental review under a Community  
24 Plan Exemption, and in so doing waives any requirement of the Board of Supervisors Rule of  
25 Order 5.24 that a motion be rescinded at the same meeting at which it was passed; and be it



1 FURTHER MOVED, That pursuant to Rule 5.34 of the Board of Supervisors' Rules of  
2 Order, this Board of Supervisors removes from the table the proposed motion in Board File  
3 No. 161002, affirming the determination by the Planning Department that a proposed project  
4 at 1515 South Van Ness Avenue is exempt from further environmental review under a  
5 Community Plan Exemption; and, be it

6 FURTHER MOVED, That this Board of Supervisors directs the Planning Department to  
7 provide additional information and analysis by report to this Board regarding whether the  
8 proposed project would result in new significant environmental effects, or effects of greater  
9 severity than were already analyzed and disclosed in the FEIR with regard to whether the  
10 proposed project would cause social or economic change such as displacement or  
11 gentrification that would result in physical impacts to the environment, either cumulatively or at  
12 the projects-specific level, within the geographic area of the Calle 24 Latino Cultural District;  
13 and, be it

14 FURTHER MOVED, That the appeal regarding the project at 1515 South Van Ness,  
15 the motion in Board File No. 161002 that the Board has removed from the table, and the  
16 motion in Board File No. 161003 that the Board adopted and has now rescinded, shall all be  
17 continued to such date the Clerk of the Board shall specify within 30 days following receipt of  
18 the report requested above.

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**City and County of San Francisco**

**Tails**

**Motion: M16-176**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 161277

**Date Passed:** December 06, 2016

Motion rescinding Board of Supervisors Motion No. 16-156 reversing the Planning Department's determination that a proposed project at 1515 South Van Ness Avenue does not require further environmental review under a Community Plan Exemption; removing the motion in Board File No. 161002 from the table; and requesting further information from the Planning Department related to the potential environmental impacts of the proposed project.

November 29, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

November 29, 2016 Board of Supervisors - CONTINUED AS AMENDED

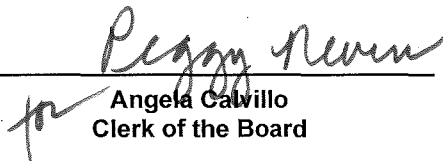
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

December 06, 2016 Board of Supervisors - APPROVED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee

File No. 161277

**I hereby certify that the foregoing Motion was APPROVED on 12/6/2016 by the Board of Supervisors of the City and County of San Francisco.**

  
Angela Calvillo  
Clerk of the Board

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date \_\_\_\_\_

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Clerk of the Board

**Subject:**

Reversing the Community Plan Exemption Determination for a Proposed Project at 1515 South Van Ness Avenue

**The text is listed below or attached:**

Motion reversing the determination by the Planning Department that a proposed project at 1515 South Van Ness Avenue is exempt from further environmental review under a Community Plan Exemption.

Signature of Sponsoring Supervisor: Alisa Gomez

For Clerk's Use Only:

161003