

File No. 210266

Committee Item No. _____

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: March 16, 2021

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OTHER

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Prepared by: Lisa Lew

Date: March 12, 2021

Prepared by: _____

Date: _____

1 [Findings to Reverse the Common Sense Exemption - 2675 Geary Boulevard]

2

3 **Motion adopting findings to reverse the determination by the Planning Department that**
4 **the proposed project at 2675 Geary Boulevard is exempt from further environmental**
5 **review.**

6

7 WHEREAS, On September 11, 2020, the Planning Department issued a CEQA
8 determination for the proposed project located at 2675 Geary Boulevard ("Project") under the
9 California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco
10 Administrative Code, Chapter 31, finding that the Project is subject to the Common Sense
11 Exemption; and

12 WHEREAS, The project site is a vacant 49,780-square-foot retail space within an
13 existing 250,843- square-foot shopping center, the "City Center", located at the southeast
14 corner of Masonic Avenue and Geary Boulevard, in the Western Addition Neighborhood of
15 San Francisco (Assessor's Parcel Block No. 1094, Lot No. 001); the City Center shopping
16 center, constructed in 1951, occupies the block bounded by Geary Boulevard to the north,
17 Masonic Avenue to the west, O'Farrell Street to the south and Lyon Street to the east; the
18 southern portion of the 288,297-square-foot City Center parcel (along O'Farrell Street) is
19 generally upward sloping between Masonic Avenue and just east of Anza Vista Avenue, and
20 then downward sloping from just east of Anza Vista Avenue to Lyon Street; the northern
21 portion of the City Center parcel along Geary Boulevard is generally downward sloping
22 between Masonic Avenue and Lyon Street; as a result, the 250,843 square feet of retail space
23 in City Center is located on four levels with six separate parking lots (Lots A -F), each with
24 independent access from O'Farrell Street, Geary Boulevard or Masonic Avenue; the City
25 Center retail buildings are generally clustered along the northern portion of the City Center

1 parcel adjacent to Geary Boulevard and the northern portion of the Masonic Avenue
2 frontages; the parking lots fan out from the City Center retail buildings to the south, southwest,
3 east and southeast; and

4 WHEREAS, The proposed Project is a new grocery store, restaurant, and coffee bar
5 use within an existing vacant retail space; the proposed project would include a 49,780-
6 square-foot grocery store (Whole Foods), with a 3,320-square-foot restaurant, and a 1,190-
7 square-foot coffee shop; the existing on-site parking “Lot C”, with 117 parking spaces, would
8 be available for parking for Whole Foods customers; loading and deliveries would occur from
9 an existing 3,528-square-foot on-site loading dock, accessed from O’Farrell Street just east of
10 Anza Vista Avenue, via “Lot F;” no changes to vehicle parking, bicycle parking, loading,
11 driveway access, or on-site circulation are proposed; in addition, no changes are proposed to
12 the public right-of-way; the project is limited to interior renovation; the project does not include
13 exterior construction and would not require excavation; and

14 WHEREAS, Pursuant to the CEQA Guidelines, the Planning Department issued a
15 Common Sense Exemption for the project on September 11, 2020, finding that the proposed
16 project is exempt from further review under CEQA; and

17 WHEREAS, On September 18, 2020, M.R. Wolfe & Associates, P.C., on behalf of Julie
18 Fisher and Tony Vargas, and United Food & Commercial Workers Union (UFCW) Local 5,
19 and its members who live and/or work in San Francisco (collectively, “Appellants”), filed an
20 appeal of the CEQA determination; and

21 WHEREAS, By memorandum to the Clerk of the Board dated September 29, 2020, the
22 Planning Department’s Environmental Review Officer determined that the appeal was timely
23 filed; and

24 WHEREAS, On November 17, 2020, this Board held a duly noticed public hearing to
25 consider the appeal of the exemption determination filed by Appellants; and

1 WHEREAS, The Board considered, among other issues, Appellants' argument that the
2 Project would result in air quality impacts from emissions from delivery vehicles that could
3 potentially expose sensitive receptors in the vicinity of the site to significant levels of toxic air
4 contaminants; and

5 WHEREAS, Under CEQA Guidelines, Section 15061(b)(2), the Common Sense
6 Exemption applies only "when it can be seen with certainty that there is no possibility that the
7 activity in question may have a significant effect on the environment;" and

8 WHEREAS, Appellants' claims raise serious concerns about the use of the Common
9 Sense exemption in this instance, particularly the in light of the conflicting information in the
10 record regarding potential air quality impacts; and

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

16 WHEREAS, Following the conclusion of the public hearing, in Motion No. M20-0175
17 the Board of Supervisors conditionally reversed the exemption determination for the Project
18 subject to the adoption of written findings of the Board in support of such determination based
19 on the written record before the Board of Supervisors as well as all of the testimony at the
20 public hearing in support of and 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 on file with the Clerk of the Board of Supervisors in File No.
25

1 201127 and is incorporated in this motion as though set forth in its entirety; now, therefore, be
2 it

3 MOVED, That the Board of Supervisors reverses the determination by the Planning
4 Department that the Project is exempt from CEQA under the Common Sense Exemption; and,
5 be it

6 FURTHER MOVED, That the Board directs the Planning Department to further analyze
7 the potential air quality impacts of the Project to sensitive receptors in the vicinity of the
8 Project site; and, be it

9 FURTHER MOVED, That as to all other issues, the Board finds the Common Sense
10 Exemption conforms to the requirements of CEQA and is adequate, accurate, and objective,
11 the record does not include substantial evidence to support a fair argument that the project
12 may have a significant effect on the environment, and no further analysis is required.

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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):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: