

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

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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.**

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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 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

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

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