

1 [Adopting Findings Reversing the Community Plan Exemption Determination - Proposed  
2 Project at 1515 South Van Ness Avenue]

3 **Motion adopting findings reversing the Planning Department’s determination that a**  
4 **proposed project at 1515 South Van Ness Avenue does not require further**  
5 **environmental review 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 therefore does not require further environmental review under the California  
15 Environmental Quality Act (CEQA), Public Resources Code, Section 21000 *et seq.*, the CEQA  
16 Guidelines, and San Francisco Administrative Code, Chapter 31, in accordance with CEQA  
17 Section 21083.3 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 does not require further environmental review  
5 under 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 October 25, 2016, 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 Planning Department’s determination and requested additional  
12 information and analysis be provided; and

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

18           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
19 reversed the exemption determination for the project based on the written record before the  
20 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
21 opposed to the appeal; and

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

3 WHEREAS, Public Resources Code, Section 21083.3, and CEQA Guidelines, Section  
4 15183, require that where a proposed project is consistent with the development density  
5 established by the zoning, community plan, and general plan policies in the Eastern  
6 Neighborhoods Rezoning and Area Plan project area, for which the FEIR was certified and  
7 would not result in new significant environmental effects, or effects of greater severity than  
8 were already analyzed and disclosed in the FEIR, further environmental review under the  
9 California Environmental Quality Act (CEQA), Public Resources Code, Section 21000 et seq.,  
10 the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, shall not be  
11 required; and

12 WHEREAS, CEQA Guidelines, Section 15382 states that “economic or social change  
13 by itself shall not be considered a significant effect on the environment” but that “social or  
14 economic change related to a physical change may be considered in determining whether the  
15 physical change is significant;” and

16 WHEREAS, This Board considered these issues, heard testimony, and shared  
17 concerns that further information and analysis was required regarding whether the proposed  
18 project would result in social or economic change such as displacement and gentrification  
19 and, if so, whether such social or economic change could lead to physical impacts on the  
20 environment with regard to traffic or air quality within the geographic boundaries of the Calle  
21 24 Latino Cultural District; and

22 WHEREAS, This Board heard and shared concerns that any such additional  
23 environmental analysis should consider both potential project specific and cumulative impacts  
24 to the physical environment resulting from any such social or economic change; now,  
25 therefore, be it

1            MOVED, That this Board of Supervisors directs the Planning Department to provide  
2 additional information and analysis regarding whether the proposed project would result in  
3 new significant environmental effects, or effects of greater severity than were already  
4 analyzed and disclosed in the FEIR with regard to whether the proposed project would cause  
5 social or economic change such as displacement or gentrification that would result in physical  
6 impacts to the environment, either cumulatively or at the projects-specific level, within the  
7 geographic area of the Calle 24 Latino Cultural District.

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