

File No. 161277

Committee Item No. _____

Board Item No. 49

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 6, 2016

Cmte Board

- | | | |
|--------------------------|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Click the text below for a direct link to the document)

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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: December 2, 2016

Prepared by: _____

Date: _____

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

3 **Motion ~~adopting findings~~ rescinding Board of Supervisors Motion No. 16-156 reversing**
4 **the Planning Department's determination that a proposed project at 1515 South Van**
5 **Ness Avenue does not require further environmental review under a Community Plan**
6 **Exemption; removing the motion in Board File No. 161002 from the table; and**
7 **requesting further information from the Planning Department related to the potential**
8 **environmental 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 ~~October 25~~November 15, 2016, this Board held a duly noticed public
15 hearing to consider the appeal of the exemption determination filed by Appellant and, by
16 Motion No. 16-156 following the public hearing, reversed the Planning Department's
17 determination and 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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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:

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

The text is listed below or attached:

Motion adopting findings 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.

Signature of Sponsoring Supervisor:

For Clerk's Use Only: