

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 1526 Wallace
2 Avenue]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 1526 Wallace Avenue is**
5 **categorically exempt from further environmental review.**

6
7 WHEREAS, On November 30, 2017, the Planning Department issued a CEQA
8 Categorical Exemption Determination for the proposed project at 1526 Wallace Avenue
9 (“Project”) under the California Environmental Quality Act (“CEQA”), the CEQA Guidelines,
10 and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The proposed Project involves alteration to an existing building including
12 interior tenant improvements, with no expansion of the building envelope, in order to
13 accommodate a small-scale (2,100 square feet) halal live poultry slaughterhouse with direct
14 sales to customers on site; and

15 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
16 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
17 issued a categorical exemption for the project on November 30, 2017, finding that the
18 proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class
19 1 categorical exemption, which applies to minor alterations of existing facilities, including
20 additions to existing structures provided that the addition will not result in an increase of more
21 than 10,000 square feet if the project is in an area where all public services and facilities are
22 available to allow for maximum development permissible in the General Plan, and the area in
23 which the project is located is not environmentally sensitive; and

24
25

1 WHEREAS, In addition, the Planning Department has found that the Project qualifies
2 for an exemption under Class 3 of the CEQA Guidelines (14 Cal. Code Reg. Section 15303),
3 which applies to projects that include new construction or changes of use under 10,000
4 square feet, if such change of use is principally permitted or permitted with a Conditional Use
5 Authorization; and

6 WHEREAS, On December 26, 2017, an appeal of the categorical exemption was filed
7 by Cristina Stella on behalf of the Animal Legal Defense Fund (“Appellant”); and

8 WHEREAS, By memorandum to the Clerk of the Board dated December 28, 2017, the
9 Planning Department’s Environmental Review Officer determined that the appeal was timely
10 filed; and

11 WHEREAS, On February 13, 2018, this Board held a duly noticed public hearing to
12 consider the appeal of the exemption determination filed by Appellant; and

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

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

23 WHEREAS, The written record and oral testimony in support of and opposed to the
24 appeal and deliberation of the oral and written testimony at the public hearing before the
25 Board of Supervisors by all parties and the public in support of and opposed to the appeal of

1 the exemption determination is in the Clerk of the Board of Supervisors File No. 180013, and
2 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

3 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
4 findings specifying the basis for its decision on the appeal of the exemption determination
5 issued by the Planning Department for the Project.

6

7

8 n:\land\as2017\0400241\01252106.docx

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25