

# **REUBEN, JUNIUS & ROSE, LLP**

**Tuija Catalano**

tcatalano@reubenlaw.com

February 14, 2020

**Delivered Via Messenger and E-Mail** ([bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org))

President Norman Yee and Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

**Re: 2300 Harrison Street  
Opposition to Appeal of Community Plan Evaluation  
BOS File No.: 200054  
BOS Hearing Date: February 25, 2020  
Planning Department Case No.: 2016-010589ENV  
Our File No.: 1447.01**

Dear President Yee and Supervisors:

Our office represents 562 Mission Street, LLC (the “Project Sponsor”) the owner of the property at 2300 Harrison Street (the “Property”). The Project Sponsor proposes to convert an underutilized existing surface parking lot with construction of a 6-story mixed-use building and vertical addition, adjacent to an existing 3-story office building, resulting in a building with twenty-four (24) dwelling units, including ten family-sized units, ground floor retail space and arts activities/retail space, and 27,017 square feet of office space (the “Project”). The Project utilizes the State Density Bonus Program to increase the density at the site while also providing six on-site affordable housing units (33% of the base project; 25% of overall project). The Project Sponsor is voluntarily doubling the amount required by San Francisco’s Inclusionary Affordable Housing Program, and providing the following:

<b>Bedroom type</b>	<b>No. of Units</b>	<b>AMI Level</b>	<b>Required vs. Voluntary?</b>
1 BR	2	50%	Required BMR units
2 BR	1	50%	Required BMR units
2 BR	3	80%	Voluntary BMR units

As detailed in the Planning Department’s response to the appeal of the Community Plan Evaluation (“CPE”), for the CPE itself, and technical studies prepared for the Project, substantial evidence demonstrates that the City’s use of a CPE based on the Eastern Neighborhoods Area Plan EIR (“EN EIR”) is proper for the Project, and that the CPE is legally sufficient under CEQA.

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, 2<sup>nd</sup> Floor, Oakland, CA 94607  
tel: 510-527-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

The appellant has failed to show that (1) the EN EIR is stale for purposes of the Community Plan Evaluation, (2) any new information would result in new or more severe significant impacts than what was identified in the EN EIR, or (3) that the analysis in the CPE is inadequate. Past precedent makes clear that the use of the EN EIR for CPEs is proper. Therefore, this appeal is without merit and should be dismissed.

#### A. PROJECT BENEFITS AND CHANGES SINCE 2016

The Project was first proposed in 2016. Since then, the Project has gone through repeated modifications based on feedback from Planning Department staff, community members, and the Planning Commission. In the past four years, the Project Sponsor has engaged community groups, local businesses, and neighbors by holding a number of community meetings and conducting considerable follow-up correspondence and meetings, particularly with United to Save the Mission (“USM”) beginning with an introductory meeting in February 2018. From February 2018 through July 2019, the Project Sponsor participated in nine meetings and ongoing communications with USM representatives.

Project Sponsor solicited feedback, listened to concerns, and made significant changes in response to these community meetings, as well as incorporated feedback from the Planning Commission and Planning Department staff, including: (a) voluntarily doubling the number of on-site affordable units from three to six with the voluntary units subject to the same requirements applicable to the required inclusionary units and administered by the Mayor’s Office of Housing and Community Development; (b) agreeing to lease approximately 1,117 sf of ground floor arts activity/retail space at reduced rate to a community-based arts organization or artist-in-residence for a term of ten years with two five-year options; (c) agreeing to fund a muralist to develop a mural along two areas in the Project’s Mistral Street façade; and (d) incorporating various design modifications to the Project’s ground floor storefronts, including many requests by USM, i.e., adding horizontal mullions to office windows, providing additional balconies for several dwelling units, and adjusting the design of the fourth floor amenity space. **Exhibit A** provides a visual of the changes that were made to the Project in direct response to USM’s design feedback.

Some of the merchant neighbors along Treat Avenue, across the Project site, had asked if the building could be “flipped” in its orientation so that the vehicular and pedestrian entrances would be along Harrison, instead of at the Treat/Mistral corner. This request was thoroughly vetted by the Project team, as well as Planning Department staff and the Commission. Because Harrison Street is a Vision Zero Street and also part of an existing bicycle network and SFMTA designated bike route, the City is not supportive of creating any conflict with pedestrians and bicyclists along Harrison, and thus the vehicular entrance to the below-grade garage cannot be added onto the Harrison façade.

Since the Project was first proposed, construction costs have skyrocketed. In 2019, San Francisco became the world’s costliest place to build, which has drastically decreased the odds

for project sponsors to obtain financing to build approved projects.<sup>1</sup> As noted in a San Francisco Chronicle article, it is increasingly difficult to build moderate-sized and smaller residential projects. In addition, increases in impact fees have been adopted since the Project was first proposed and affordability requirements have increased significantly.

Under this significantly changed development landscape, the Project still provides substantial benefits to the Mission and the City at large, including twenty-four (24) new housing units, with six (33% of base project; 25% of overall project) permanently affordable units at AMI levels as low as 50% up to 80%, local employment opportunities, and over \$3.5M in impact fee payments that will fund infrastructure, schools, childcare, and other programs. A table outlining the impact fees to be generated by the Project is included below.

<b>Project's Impact Fees</b>	<b>Residential Fee</b>	<b>Non-Resid. Fee</b>	<b>Total Fee</b>
Transportation Sustainability Fee	\$266,322	\$649,999	\$916,321
EN Infrastructure Fee	\$350,808	\$459,255	\$810,063
Child Care Fee	\$62,853	\$49,981	\$112,834
School Impact Fee	\$110,797	\$18,626	\$129,423
Jobs-Housing Linkage Fee	n/a	\$1,365,235	\$1,365,235
Inclusionary In Lieu Fee on Bonus Units	\$246,462	n/a	\$246,462
<b>TOTALS</b>	<b>\$1,037,242</b>	<b>\$2,543,096</b>	<b>\$3,580,338</b>

The Project was always envisioned as a true mixed-use project. In order to fully appreciate the value of a mixed-use project it is helpful to consider how the City would view a stand-alone 27,000 sf office project, and how any housing impacts from the office-only project would be considered to have been mitigated. A 27,000 sf office-only project in San Francisco would be deemed to generate a housing demand of 21.84 units<sup>2</sup> and would be considered to have mitigated its housing impacts by payment of the JHLP fee alone, which in the case of 27,000 sf of office is approx. \$1.3M. This Project will not only pay the JHLP fee, but also produce 24 units of new housing, 3 required and 3 voluntary affordable units, all of which will be constructed on-site (due to the State Density Bonus Program requirements). Because of the State Density Bonus Program, the Project will additionally pay a 20% Affordable Housing fee on the six bonus units.

## B. STANDARD OF REVIEW

Under San Francisco Administrative Code Section 31.16, the Board of Supervisors is required to affirm the exemption determination if it finds that the project conforms to the requirements for exemptions set forth in CEQA.

Under CEQA, projects that are consistent with development density established by an area plan EIR such as the EN EIR, do not require additional environmental review except as

<sup>1</sup> Roland Li, *San Francisco Passes New York to Become World's Costliest Place to Build*, S.F. CHRON., April 11, 2019.

<sup>2</sup> Per the May 2019 Keyser Marston nexus study included in the 2019 JHLP legislation, office uses are deemed to generate a demand of 0.8 units per 1,000 sf of office, i.e. 21.84 units for 27,000 sf of office).

necessary to determine whether project-specific effects not identified in the area plan EIR exist.<sup>3</sup> In fact, CEQA “**mandates**” that projects consistent with development density established through an area plan EIR “**shall not**” require additional environmental review except in limited circumstances.<sup>4</sup> Such limited circumstances include when it is necessary to examine whether the project will result in:

- (1) significant effects that are peculiar to the project or its site,
- (2) new significant impacts that were not analyzed under the prior area plan EIR,
- (3) potentially significant off-site impacts and cumulative impacts which were not discussed in the prior area plan EIR, or
- (4) increased severity of significant impacts discussed in the prior area plan EIR.<sup>5</sup>

In other words, if an impact is not peculiar to the project site or to the project, or has been addressed as a significant effect in the prior area plan EIR, or can be substantially mitigated, then a CPE is appropriate.<sup>6</sup>

When it comes to the adequacy of the environmental analysis itself, the question is whether the determination is supported by substantial evidence in light of the whole record.<sup>7</sup> Substantial evidence means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”<sup>8</sup> CEQA does not require technical perfection, scientific certainty, or an exhaustive analysis of all potential issues or all information that is available on an issue.<sup>9</sup> Nor is a lead agency required to conduct every recommended test and perform all recommended research in evaluating a project’s environmental impacts.<sup>10</sup> The standard is whether the environmental document, when looked at as a whole, provides a reasonable, good faith disclosure and analysis of the project’s environmental impacts.<sup>11</sup>

### C. THE CPE’S RELIANCE ON THE EN EIR IS APPROPRIATE

Similarly to other CEQA appeals on housing projects, appellant’s main argument is with the EN EIR itself, and specifically that the EN EIR is stale and cannot be used for *any* housing project going forward.

The standard under CEQA is not whether circumstances have changed since the area plan EIR was drafted, but whether those changes have led to new or more severe significant environmental impacts. Appellant alleges changed circumstances regarding gentrification,

---

<sup>3</sup> CEQA Guidelines, Section 15183(b).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> CEQA Guidelines, Section 15183(c).

<sup>7</sup> Public Resources Code, Section 21168.

<sup>8</sup> CEQA Guidelines, Section 15384(a).

<sup>9</sup> *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.

<sup>10</sup> CEQA Guidelines, Section 15204(a).

<sup>11</sup> CEQA Guidelines, Section 15151.

traffic, pedestrian and bicycle safety, community benefits delivery, and the production of more housing than anticipated under the EN EIR. However, appellant does not allege or present any evidence about new or more severe significant impacts, the standard under CEQA for tiering off of an area plan EIR.

The EN Plan EIR itself does not need to be updated unless the City were to re-approve or re-examine the EN Plan itself. The CEQA review for any project within EN Plan Area can be accomplished with a CPE if new information after the publication of the Plan EIR indicates that the proposed project (i.e. in this case 2300 Harrison) would cause a new or substantially more severe impact as compared to what was discussed in the Plan EIR.

This appeal mirrors a number of CEQA-based objections to housing projects in the EN filed in recent years, which tend to repeat the same arguments about the EN EIR. Appellants' goal with each individual project appears to be to indirectly impose a moratorium on all new construction within Eastern Neighborhoods by convincing the Board of Supervisors to throw out a CEQA document for an individual project. Four recent examples provide clear precedent for the Board to reject this appeal because it does not raise any germane CEQA issues.

### **1. 1296 Shotwell Street – EN CPE Appeal Rejected by BOS**

In February 2017, the Board unanimously rejected the appeal of a 9-story, 69,500 square foot, 94-unit density bonus project at 1296 Shotwell Street in the Mission that demolished an approximately 11,000 square foot PDR building.

Like the appellant here, that project's opponent claimed the EN EIR was "woefully out of date," and that an Eastern Neighborhoods CPE could not be used to address cumulative conditions, transportation and circulation, socioeconomic impacts, land use, aesthetics, and significance findings.

In rejecting that appeal, this Board made findings that the density bonus project at 1296 Shotwell was eligible for a CPE. Its potential environmental effects were properly analyzed in the EN EIR, and the appeal did not identify new or substantially greater effects than those discussed in the EN EIR. This Board rejected all other Eastern Neighborhoods-specific grounds for overturning the CPE, including indirect impacts allegedly caused by gentrification such as cumulative growth impacts, transportation impacts, community benefits delivery, and inconsistency with the Mission Area Plan.<sup>12</sup>

The Project is smaller, shorter, has fewer dwelling units, and will not replace a desirable use like PDR. Although 1296 Shotwell Street was a 100% affordable project and the Project is mixed-income, affordability is not a CEQA issue. There is no evidence in the record that a mixed-income residential project, as opposed to a 100% affordable project, results in heightened impacts to the physical environment such as health and safety, construction impacts, or transportation.

---

<sup>12</sup> Board of Supervisors Motion No. M17-018, attached as **Exhibit B**.

## 2. 901 16<sup>th</sup> Street/1200 17<sup>th</sup> Street – EN CPE Appeal Rejected by Court

In October 2017, the San Francisco Superior Court in *Save the Hill and Grow Potrero Responsibly v. City and County of San Francisco*<sup>13</sup> upheld an Eastern Neighborhoods CPE and focused EIR in a lawsuit filed by opponents of the 901 16<sup>th</sup> Street/1200 17<sup>th</sup> Street project at the base of Potrero Hill. The Board of Supervisors previously affirmed the CEQA clearance document unanimously, in July of 2016.<sup>14</sup> Relevant to the Project at issue here, the opponents of that project claimed the EN EIR was outdated, that residential growth outpaced the EN EIR's forecasts, and that cumulative impacts—and in particular traffic—were inadequately analyzed.

The Superior Court rejected each of these grounds. The EN EIR does not have an expiration date or chronological limits; instead, a CPE is appropriate if a project's impacts were addressed in the plan-level EIR, such as the EN EIR.<sup>15</sup> Exceeding growth forecasts—or presenting evidence that growth forecasts may eventually be exceeded at some indeterminate point in the future—does not render the area plan EIR or a CPE based on the area plan EIR moot. Instead, the appellants were required to point to evidence that this exceedance would actually cause or contribute to significant environmental effects that were not addressed as significant impacts in the prior EN EIR.<sup>16</sup> There was none in the record, and so this argument failed. And the Court of Appeals upheld the trial court's ruling.<sup>17</sup>

Here, appellant has similarly not identified any evidence showing new or more significant environmental impacts due to growth projections, much less any that the Project would make a considerable contribution to. Simply pointing out that development patterns in the Eastern Neighborhood produce somewhat more housing or changes in traffic from what was originally analyzed is insufficient to invalidate the CPE.

## 3. 2750 19<sup>th</sup> Street – EN CPE Appeal Rejected by BOS

In October 2018, the Board of Supervisors considered an appeal of a CPE based on the EN EIR for a 6-story, 60-unit, mixed-use project in the Mission. The Board of Supervisors upheld the CPE and the use of the EN EIR, finding that the project was consistent with the EN EIR and that it would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the EN EIR.<sup>18</sup>

Appellants of the 2750 19<sup>th</sup> Street CPE argued deficiencies with the EN EIR and with tiering project-specific review of that plan-level EIR. The appellants of this Project's CPE make the same baseless arguments that have been consistently rejected by this Board. In denying the appeal on the 2750 19<sup>th</sup> Street CPE, which is a larger than the Project, this Board found that it “would not result in new significant environmental effects, or effects of greater severity than

---

<sup>13</sup> Case No. CPF-16-515238.

<sup>14</sup> Board of Supervisors Motion No. M16-097, attached as **Exhibit C**.

<sup>15</sup> *Save the Hill and Grow Potrero Responsibly v. City and County of San Francisco*, Order Denying Petition for Writ of Mandamus (Case No. CPF-16-515238), p. 21.

<sup>16</sup> *Id.* at pp. 24-25.

<sup>17</sup> *Save the Hill, et al. v. City and County of San Francisco, et al.* (Sept. 30, 2019) Case No. A153549.

<sup>18</sup> Board of Supervisors Motion No. M18-148, attached as **Exhibit D**.

were already analyzed and disclosed in the [EN EIR]; and therefore does not require further environmental review in accordance with CEQA.”<sup>19</sup> Because the present appellant has not indicated that the Project would result in any new or more severe significant impacts than already analyzed in the EN EIR, these arguments must be rejected.

#### 4. **344 14<sup>th</sup> Street – EN CPE Appeal Rejected by BOS**

Most recently, in October 2019, the Board of Supervisors again considered an appeal of a CPE based on the EN EIR for a 7-story, 62-unit, mixed-use project in the Mission. The Board of Supervisors upheld the CPE and the use of the EN EIR, finding that the project was consistent with the EN EIR and that it would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the EN EIR.<sup>20</sup>

In that case, like in the present, the pace of development with respect to the EN EIR’s growth projections did not, in itself, constitute new or more severe adverse environmental impact than disclosed in the EN EIR. And that project’s CPE did not rely solely on growth projections considered in the EN EIR in examining whether the project would have significant impacts that are peculiar to the project or the project site. Rather, for each environmental topic, the department conducted a project-specific impact analysis and an updated cumulative impact analysis to determine whether the proposed project would result in new significant impact not previously disclosed in the EN EIR.

Because the appellant’s argument that the EN EIR is stale mimics the arguments made in these prior appeals, and because the appellant has not indicated that the Project would result in any new or more severe significant impacts, these arguments must be rejected.

### D. APPELLANT’S ARGUMENTS REGARDING EN EIR

The appellant incorrectly further argues that the use of the EN EIR was improper based on six arguments. The discussion below addresses each of the appellant’s six arguments regarding perceived new information and provides substantial evidence that the proposed Project would not result in a new or more severe impact than previously identified in the EN EIR or that the Project would result in a considerable contribution to any such impact.

#### 1. Cumulative Impact Analysis

**Appellant Concern:** “The Project’s cumulative impact was not considered because the EN EIR projections for housing, including this project and those, constructed, entitled, and/or in the pipeline, have been exceeded. Therefore ‘past, present and reasonably foreseeable probable future projects’ were not properly considered (Guidelines, § 15355).”

**Project Sponsor Response:** The EN EIR set forth projections for housing, but it did not establish inelastic limits. The appellant’s argument has already been rejected, on multiple

---

<sup>19</sup> *Id.*

<sup>20</sup> Board of Supervisors Motion No. M19-144, attached as **Exhibit E**.

occasions, not only by this Board, but also by the Superior Court and the First District Court of Appeal<sup>21</sup> in the appeals for the other, above-referenced projects. In the prior appeals, this Board found that the EN EIR was, in fact, adequate and that the use of a CPE relying on the EN EIR was appropriate. The appellant has not stated any information (let alone substantial evidence) for any significant impacts based on the fact that the EN EIR housing production have been exceeded, or any evidence that the 24 units in the Project would result in a considerable contribution to a significant cumulative impact.

## 2. Analysis of Increased Traffic Conditions, Deliveries, and Shuttle Busses

**Appellant Concern:** “The CEQA findings did not take into account the potential impacts of the Proposed Project, due to increased traffic conditions, particularly those conditions resulting from TNCs, reverse commutes, deliveries, and shuttle buses which were not considered in the 2008 EN Area Plan EIR.”

**Project Sponsor Response:** The EN EIR considered increased traffic congestion as measured by the level of service metric to be a physical environmental impact under CEQA. As discussed on page 7 in the Project’s CPE Initial Study, pursuant to CEQA Section 21099 and Planning Commission Resolution 19579, automobile delay, as described by level of service or similar measures of traffic congestion is no longer considered a significant impact on the environment under CEQA. Rather analysis focuses on whether a project would result in significant impacts on vehicle miles traveled (“VMT”). In response to CEQA appeals for two projects in the Mission, 2675 Folsom Street<sup>22</sup> and 2918-2924 Mission Street,<sup>23</sup> additional transportation analysis was conducted by Planning Department Staff in 2017 and 2018 when ride-sharing and delivery services were widely in use. And based on those additional analysis, staff observed traffic volumes were generally lower than what would be expected using the EN EIR trip generation methodology compared to the amount of estimated development completed as of the date of the study.

## 3. EN Plan Community Benefits Not Fully Funded or Implemented

**Appellant Concern:** “The claimed community benefits of the Eastern Neighborhoods Area Plan, outlined in the 2008 PEIR, its approvals and the Statement of Overriding Consideration have not been fully funded, implemented, or are underperforming and the determinations and findings for the proposed Project that rely on the claimed benefits to override impacts outlined in the PEIR are not supported. The City should have conducted Project level review based upon up to date data and the actual community benefits that have accrued since adoption of the 2008 plan and did not.”

**Project Sponsor Response:** Similar to the present appeal, the 344 14<sup>th</sup> Street appellants argued that because the EN EIR’s community benefits have not been fully realized, the determinations and findings for the Project that rely on the claimed benefits to override impacts

---

<sup>21</sup> In the litigation for the 901 16<sup>th</sup> Street / 1200 17<sup>th</sup> Street project.

<sup>22</sup> Board of Supervisors File No. 161146.

<sup>23</sup> Board of Supervisors File No. 180019.

outlined in the EN EIR are not supported. However, the EN EIR's community benefits are not a static set of mitigation measures. There are no impacts identified in the EN EIR determined to be less than significant based on the adoption of the community benefits program. And the EN EIR's conclusions would not change if none of the community benefits were implemented. As such, the perceived lack of funding of the public benefits program is not evidence that there are new or more severe environmental impacts than were identified in the EN EIR.

#### **4. Substantial Changes in Circumstances**

**Appellant Concern:** "Substantial changes in circumstances require major revisions to the Eastern Neighborhoods Area Plan EIR due to the involvement of new significant environmental effects and an increase in the severity of previously identified significant impacts; there is new information of substantial importance that would change the conclusions set forth in said EIR and the requirements of the Mitigation Monitoring and Reporting Report."

**Project Sponsor Response:** Appellant provides no evidence regarding what substantial changes in circumstances have occurred or what new information of substantial importance has been identified. Appellant has not provided any link as to how the purported changes and new information affected the conclusions of the EN EIR. The Project would not result in new significant environmental effects, and CEQA does not require the EN EIR to be updated unless the City is re-evaluating the Eastern Neighborhoods Plan (which is not the case).

#### **5. Project Inconsistency with General Plan and Mission Area Plan**

**Appellant Concern:** "The Proposed Project, considered both individually and cumulatively, is inconsistent with the General Plan and Mission Area Plan."

**Project Sponsor Response:** Project-related policy conflicts and inconsistencies do not constitute, in and of themselves, impacts on the physical environment under CEQA. That said, the Project is, in fact, consistent with the development density established under the EN EIR, and therefore implementation of the Project will not result in significant impacts on the physical environment due to conflicts with the General Plan or the Mission Area Plan that were not identified in the EN EIR.

#### **6. Project Inconsistency with Priority Policies**

**Appellant Concern:** "The Proposed Project, considered both individually and cumulatively, is inconsistent with Section 101.1(b) Priority Policies."

**Project Sponsor Response:** Contrary to the appellant's argument, the Project will not result in significant impacts on the physical environment due to inconsistency with the Section 101.1(b) Priority Policies that are peculiar to the Project or project site. Policy consistency determinations are made by the City's decision-making bodies, including the Planning Commission, independent of the environmental review process, as part of the decision to approve or reject the project. In its approval of the Project's Large Project Authorization and

Office Allocation, the Planning Commission determined that the Project is generally consistent with the objectives and policies of the Priority Policies.

**E. CONCLUSION**

Requiring further environmental review to be conducted for the Project is unnecessary and contrary to CEQA law. The appellant has not provided any evidence that the analysis in the CPE was flawed or inadequate. Overturning the CPE on the basis of its reliance on the EN Plan EIR would not only go against established precedent but would also discourage this beneficial housing project and similar projects in any part of the City that conduct CEQA review using a Community Plan Evaluation. And in turn, further exacerbating the shortage of housing of all income types in San Francisco. Appellant has not provided substantial evidence to meet its burden to overturn the City's decision to issue a CPE for the Project. Therefore, we respectfully request that you deny the appeal.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



Tuija Catalano

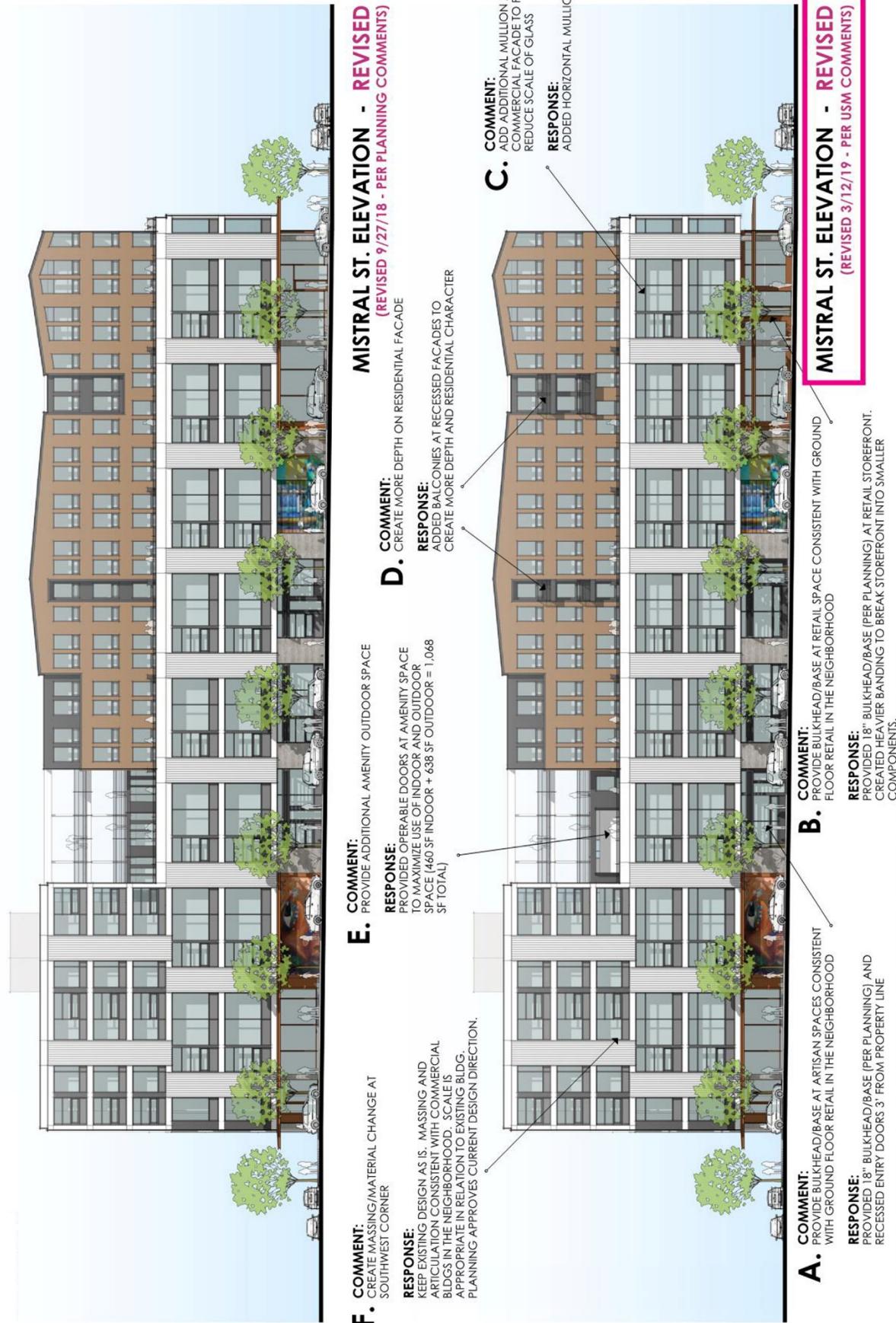
Exhibits:

- Exh. A – BAR Architects' drawing summarizing USM requested design changes
- Exh. B – BOS Motion No. M17-018 (denial of CPE appeal for 1296 Shotwell)
- Exh. C – BOS Motion No. M16-097 (denial of CPE appeal for 901 16th / 1200 17th Streets)
- Exh. D – BOS Motion No. M18-148 (denial of CPE appeal for 2750 19<sup>th</sup> Street)
- Exh. E – BOS Motion No. M19-144 (denial of CPE appeal for 344 14<sup>th</sup> Street)

cc: Supervisor Sandra Lee Fewer  
Supervisor Catherine Stefani  
Supervisor Aaron Peskin  
Supervisor Gordon Mar  
Supervisor Dean Preston  
Supervisor Matt Haney  
Supervisor Rafael Mandelman  
Supervisor Hillary Ronen  
Supervisor Shamann Walton  
Supervisor Ahsha Safai  
Angela Calvillo, Clerk of the Board  
Ryan Shum, Environmental Planner, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department

# **EXHIBIT A**

## EXHIBIT A



## **EXHIBIT B**

1 [Affirming the Determination of Infill Project Environmental Review - Proposed Project at 1296  
2 Shotwell Street]

3 **Motion affirming the determination by the Planning Department that a proposed infill  
4 project at 1296 Shotwell Street is eligible for streamlined environmental review under  
5 the California Environmental Quality Act.**

6  
7 WHEREAS, On November 21, 2016, the Planning Department issued a Certificate of  
8 Determination for an Infill Project under the Eastern Neighborhoods Rezoning and Area Plan  
9 Final Environmental Impact Report (FEIR), finding that the proposed project located at 1296  
10 Shotwell Street ("Project") is eligible for streamlined environmental review as an infill project  
11 under the California Environmental Quality Act (CEQA), Public Resources Code,  
12 Section 21000 et seq., (specifically, Public Resources Code, Section 21094.5), and the CEQA  
13 Guidelines, 14 California Code of Regulations, Section 15000 et seq., (specifically, CEQA  
14 Guidelines Section 15183.3) (Infill Determination); and

15 WHEREAS, The proposed project involves the demolition of an existing one-story  
16 industrial building and construction of a 100 percent-affordable senior housing project,  
17 encompassing a total of approximately 69,500 gross square feet with 94 dwelling units (93  
18 affordable units plus one unit for the onsite property manager), including 20 units for formerly  
19 homeless seniors; and

20 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
21 December 30, 2016, J. Scott Weaver, on behalf of the Inner Mission Neighbors Association  
22 (Appellant) appealed the Infill Determination, and provided a copy of Planning Commission  
23 Motion No. 19804, adopted on December 1, 2016, approving a 100% Affordable Housing  
24 Bonus Program Authorization under Planning Code, Sections 206 and 328, which constituted  
25 the approval action for the proposed project; and

1           WHEREAS, The Planning Department's Environmental Review Officer, by  
2 memorandum to the Clerk of the Board dated January 3, 2017, determined that the appeal  
3 had been timely filed; and

4           WHEREAS, On February 14, 2017, this Board held a duly noticed public hearing to  
5 consider the appeal of the Infill Determination filed by Appellant and, following the public  
6 hearing, affirmed the Infill Determination; and

7           WHEREAS, In reviewing the appeal of the Infill Determination, this Board reviewed and  
8 considered the determination, the appeal letter, the responses to the appeal documents that  
9 the Planning Department prepared, the other written records before the Board of Supervisors  
10 and all of the public testimony made in support of and opposed to the Infill Determination  
11 appeal; and

12          WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
13 affirmed the determination that the project qualified for streamlined environmental review as  
14 an infill project based on the written record before the Board of Supervisors as well as all of  
15 the testimony at the public hearing in support of and opposed to the appeal; and

16          WHEREAS, The written record and oral testimony in support of and opposed to the  
17 appeal and deliberation of the oral and written testimony at the public hearing before the  
18 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
19 the Infill Determination is in the Clerk of the Board of Supervisors File No. 170024 and is  
20 incorporated in this motion as though set forth in its entirety; now, therefore, be it

21          MOVED, That the Board of Supervisors of the City and County of San Francisco  
22 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
23 forth, the Infill Determination; and, be it

24          FURTHER MOVED, That after carefully considering the appeal of the determination,  
25 including the written information submitted to the Board of Supervisors and the public

1 testimony presented to the Board of Supervisors at the hearing on the Infill Determination, this  
2 Board concludes that the project is eligible for streamlined environmental review under CEQA  
3 Guidelines, Section 15183.3 and Public Resources Code, Section 21094.5 because the  
4 project site has been previously developed and is located in an urban area, the Project  
5 satisfies the performance standards provided in Appendix M of the CEQA Guidelines, and the  
6 Project is consistent with the Sustainable Communities Strategy; and, be it

7 FURTHER MOVED, That this Board finds that the effects of the proposed infill project  
8 were analyzed in the Eastern Neighborhoods FEIR, and no new information shows that the  
9 significant adverse environmental effects of the infill project are substantially greater than  
10 those described FEIR, the proposed project would not cause any significant effects on the  
11 environment that either have not already been analyzed in the FEIR or that are substantially  
12 greater than previously analyzed and disclosed, or that uniformly applicable development  
13 policies would not substantially mitigate potential significant impacts; and, be it

14 FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
15 record before it there are no substantial project changes, no substantial changes in project  
16 circumstances, and no new information of substantial importance that would change the  
17 conclusions set forth in the Infill Determination by the Planning Department that the proposed  
18 project is eligible for streamlined environmental review; and, be it

19 FURTHER MOVED, That this Board finds that, as set forth in Planning Commission  
20 Motion No. 19804, the project sponsor will undertake feasible mitigation measures specified in  
21 the Eastern Neighborhoods FEIR to mitigate project-related significant impacts.



**City and County of San Francisco  
Tails**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Motion: M17-018**

---

**File Number:** 170025

**Date Passed:** February 14, 2017

Motion affirming the determination by the Planning Department that a proposed infill project at 1296 Shotwell Street is eligible for streamlined environmental review under the California Environmental Quality Act.

February 14, 2017 Board of Supervisors - APPROVED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170025

I hereby certify that the foregoing Motion  
was APPROVED on 2/14/2017 by the Board  
of Supervisors of the City and County of  
San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo  
Clerk of the Board

# **EXHIBIT C**

1 [Affirming Final Environmental Impact Report Certification - 901-16th Street and 1200-17th  
2 Street Project]

3 **Motion affirming the Planning Commission's certification of the Final Environmental  
4 Impact Report prepared for the proposed project located at 901-16th Street and  
5 1200-17th Street.**

6  
7 WHEREAS, The proposed project is located on a 3.5-acre site consisting of four  
8 parcels bounded by 16th Street to the north, Mississippi Street to the east, 17th Street to the  
9 south, and residential and industrial buildings to the west; and

10  
11 WHEREAS, The project site currently contains four existing buildings: two metal shed  
12 industrial warehouse buildings (102,500 square feet), a vacant brick office building (1,240  
13 square feet), and a modular office structure (5,750 square feet), and an open surface parking  
14 lot that is also used for access by the University of California, San Francisco to its on-site  
storage; and

15  
16 WHEREAS, The proposed project would merge four lots into two lots, demolish two  
17 metal shed warehouses and the modular office structure, preserve the brick office building,  
and construct two new mixed use buildings on site; and

18  
19 WHEREAS, The "16th Street Building" at 901-16th Street would consist of a new six-  
story, approximately 402,943 gross square foot residential mixed-use building with 260  
20 dwelling units and 20,318 gross square feet of retail on the northern lot; and

21  
22 WHEREAS, The "17th Street Building" at 1200-17th Street would consist of a new four-  
story, approximately 213,509 gross square foot residential mixed use building with 135  
23 dwelling units and 4,650 gross square feet of retail on the southern lot, and

24  
25 WHEREAS, The historic brick office building would be rehabilitated for retail or  
restaurant use; and

1           WHEREAS, Combined, the two new buildings would contain a total of 395 dwelling  
2 units and approximately 24,698 gross square feet of retail space, with a total of 388 vehicular  
3 parking spaces, 455 off-street bicycle parking spaces, and approximately 14,669 square feet  
4 of public open space, 33,149 square feet of common open space shared by project  
5 occupants, and 3,114 square feet of open space private to units; and

6           WHEREAS, CEQA State Guidelines, Section 15183, provides an exemption from  
7 environmental review for projects that are consistent with the development density established  
8 by existing zoning, community plan, or general plan policies for which an EIR was certified,  
9 except as might be necessary to examine whether there are project-specific effects which are  
10 peculiar to the proposed project or its site; and

11          WHEREAS, The project site is located within the Showplace Square/Potrero Subarea  
12 of the Eastern Neighborhoods Rezoning and Area Plan (Eastern Neighborhoods Plan), for  
13 which a comprehensive program-level EIR was prepared and certified (Eastern  
14 Neighborhoods PEIR); and

15          WHEREAS, The proposed project was initially evaluated under a Community Plan  
16 Exemption (CPE) Checklist (published on February 11, 2015, and included as Appendix A to  
17 the draft EIR); and

18          WHEREAS, The CPE Checklist determined that the proposed project would not result  
19 in new, project-specific environmental impacts, or impacts of greater severity than were  
20 already analyzed and disclosed in the Eastern Neighborhoods PEIR for the following issue  
21 topics: land use and land use planning; aesthetics; population and housing; paleontological  
22 and archeological resources; noise; air quality; greenhouse gas emissions; wind and shadow;  
23 recreation; utilities and service systems; public services; biological resources; geology and  
24 soils; hydrology and water quality; hazards and hazardous materials; mineral and energy  
25 resources; and agriculture and forest resources; and

1           WHEREAS, The CPE Checklist incorporated seven Mitigation Measures from the  
2 Eastern Neighborhoods PEIR to avoid impacts previously identified in the PEIR with regard to  
3 archeological resources, air quality, noise, and hazardous materials; and

4           WHEREAS, The CPE Checklist further determined that a focused EIR would be  
5 prepared to address potential project-specific impacts to transportation and circulation and  
6 historic architectural resources that were not identified by the Eastern Neighborhoods PEIR;  
7 and

8           WHEREAS, The San Francisco Planning Department, as lead agency, published and  
9 circulated (with the CPE Checklist) a Notice of Preparation ("NOP") on February 11, 2015,  
10 that solicited comments regarding the scope of the EIR for the proposed project; and

11          WHEREAS, The Planning Department held a public scoping meeting on March 4,  
12 2015, at the Potrero Hill Neighborhood House, 953 De Haro Street, San Francisco to receive  
13 comments on the scope and content of the EIR; and

14          WHEREAS, On August 12, 2015, the Planning Department published a draft EIR for  
15 the proposed project; and

16          WHEREAS, On October 1, 2015, the Planning Commission held a duly noticed public  
17 hearing on the draft EIR, and then prepared a Responses to Comments (RTC) document,  
18 published on April 28, 2016, to address environmental issues raised by written and oral  
19 comments received during the public comment period and at the public hearing for the draft  
20 EIR; and

21          WHEREAS, The Planning Department prepared a Final Environmental Impact Report  
22 ("FEIR") for the Project, consisting of the CPE Checklist, the DEIR, any consultations and  
23 comments received during the review process, any additional information that became  
24 available and the Comments and Responses document, all as required by law; and  
25

1           WHEREAS, On May 12, 2016, the Planning Commission reviewed and considered the  
2 FEIR and CPE and, by Motion No. 19643, found that the contents of said report and the  
3 procedures through which the FEIR and CPE were prepared, publicized and reviewed  
4 complied with the provisions of the California Environmental Quality Act ("CEQA"), the State  
5 CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code; and

6           WHEREAS, By Motion No. 19643 the Commission found the FEIR and the CPE to be  
7 adequate, accurate and objective, reflected the independent judgment and analysis of the  
8 Department and the Commission and that the Comments and Responses document  
9 contained no significant revisions to the DEIR, adopted findings relating to significant impacts  
10 associated with the Project and certified the completion of the FEIR in compliance with CEQA  
11 and the State CEQA Guidelines, and Chapter 31; and

12          WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 10, 2016,  
13 from Rachel Mansfield-Howlett, on behalf of Save the Hill and Grow Potrero Responsibly  
14 ("Appellant") filed an appeal of the CPE and FEIR to the Board of Supervisors; and

15          WHEREAS, On July 26, 2016, this Board held a duly noticed public hearing to consider  
16 the appeal of the CPE and FEIR certification filed by Appellant and, following the public  
17 hearing, affirmed the exemption determination; and

18          WHEREAS, In reviewing the appeal of the exemption determination, this Board has  
19 reviewed and considered the CPE and FEIR, the appeal letters, the responses to concerns  
20 documents that the Planning Department prepared, the other written records before the Board  
21 of Supervisors, and heard testimony and received public comment regarding the adequacy of  
22 the CPE and FEIR; and

23          WHEREAS, The CPE and FEIR files and all correspondence and other documents  
24 have been made available for review by this Board and the public; and

1           WHEREAS, These files are available for public review by appointment at the Planning  
2 Department offices at 1650 Mission Street, and are part of the record before this Board by  
3 reference in this Motion; now, therefore, be it

4           MOVED, That this Board of Supervisors hereby affirms the decision of the Planning  
5 Commission in its Motion No. 19643 to certify the FEIR together with the CPE and finds the  
6 CPE and FEIR to be complete, adequate, and objective, and reflecting the independent  
7 judgment of the City and in compliance with CEQA, the State CEQA Guidelines, and Chapter  
8 31.

9  
10           n:\landuse\mbyrne\bos ceqa appeals\901 16th cpe-eir aff.docx  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



## City and County of San Francisco

### Tails

**Motion: M16-097**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 160684

**Date Passed:** July 26, 2016

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project located at 901-16th Street and 1200-17th Street.

July 26, 2016 Board of Supervisors - APPROVED

Ayes: 9 - Avalos, Breed, Campos, Farrell, Kim, Mar, Tang, Wiener and Yee  
Noes: 1 - Peskin  
Excused: 1 - Cohen

File No. 160684

I hereby certify that the foregoing Motion was APPROVED on 7/26/2016 by the Board of Supervisors of the City and County of San Francisco.

  
Peggy Nevin  
Angela Calvillo  
Clerk of the Board

## **EXHIBIT D**

1 [Affirming the Community Plan Evaluation - 2750-19th Street]

2

3 **Motion affirming the determination by the Planning Department that a proposed project**

4 **at 2750-19th Street is exempt from further environmental review under a Community**

5 **Plan Evaluation.**

6

7 WHEREAS, On May 30, 2018, the Planning Department issued a Community Plan

8 Evaluation ("environmental determination"), pursuant to CEQA, the CEQA Guidelines, 14 Cal.

9 Code of Reg., Sections 15000 et seq., and Chapter 31 of the San Francisco Administrative

10 Code, finding that the proposed project at 2750-19th Street ("Project") is consistent with the

11 development density established by zoning, community plan, and general plan policies in the

12 Eastern Neighborhoods Rezoning and Area Plan (the "Area Plan") for the project site, for

13 which a Programmatic EIR (the "PEIR") was certified; and

14 WHEREAS, The Project consists of the demolition of the three existing industrial

15 buildings on the project site, retention of the principal two-story façade along 19th and Bryant

16 streets, and construction of a six-story, 68-foot-tall (77-foot, 7-inch tall with rooftop equipment)

17 mixed-use building with approximately 10,000 square feet of ground-floor PDR, 60 residential

18 units (35 one-bedroom units and 25 two-bedroom units) above and bicycle and vehicle

19 parking in a basement; and

20 WHEREAS, The Project would include 3,200 sf of common open space on the second

21 floor and a 4,800 sf roof deck; a residential lobby entrance located on Bryant Street and

22 basement vehicle parking entry located on 19th Street; 26 vehicle parking spaces and 60

23 Class 1 bicycle parking spaces in the basement, and three Class 2 bicycle parking spaces

1 along 19th Street; remove an existing curb cut on Bryant Street and would retain an existing  
2 10-foot curb cut on 19th Street that would be used for the proposed garage entrance; and

3 WHEREAS, On August 23, 2018, the Planning Commission adopted the CPE and  
4 approved the Large Project Authorization for the Project (Planning Commission Resolution  
5 No. 20264), which constituted the Approval Action under Chapter 31 of the Administrative  
6 Code; and

7 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
8 September 24, 2018, Larisa Pedroncelli and Kelly Hill, on behalf of Our Mission No Eviction  
9 ("Appellant"), appealed the environmental determination; and

10 WHEREAS, The Planning Department's Environmental Review Officer, by  
11 memorandum to the Clerk of the Board dated October 1, 2018, determined that the appeal  
12 had been timely filed; and

13 WHEREAS, On October 30, 2018, this Board held a duly noticed public hearing to  
14 consider the appeal of the environmental determination filed by Appellant and, following the  
15 public hearing, affirmed the environmental determination; and

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

21 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
22 affirmed the determination that the Project does not require further environmental review  
23 based on the written record before the Board of Supervisors as well as all of the testimony at  
24 the public hearing in support of and opposed to the appeal; and

1           WHEREAS, The written record and oral testimony in support of and opposed to the  
2 appeal and deliberation of the oral and written testimony at the public hearing before the  
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
4 the environmental determination is in the Clerk of the Board of Supervisors File No. 180956  
5 and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

6           MOVED, That the Board of Supervisors of the City and County of San Francisco  
7 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
8 forth, the environmental determination; and, be it

9           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
10 record before it there are no substantial project changes, no substantial changes in project  
11 circumstances, and no new information of substantial importance that would change the  
12 conclusions set forth in the environmental determination by the Planning Department that the  
13 Project does not require further environmental review; and, be it

14           FURTHER MOVED, That after carefully considering the appeal of the environmental  
15 determination, including the written information submitted to the Board of Supervisors and the  
16 public testimony presented to the Board of Supervisors at the hearing on the environmental  
17 determination, this Board concludes that the Project is consistent with the development  
18 density established by the zoning, community plan, and general plan policies in the Eastern  
19 Neighborhoods Area Plan project area, for which the PEIR was certified; would not result in  
20 new significant environmental effects, or effects of greater severity than were already  
21 analyzed and disclosed in the PEIR; and therefore does not require further environmental  
22 review in accordance with CEQA, Section 21083.3 and CEQA Guidelines, Section 15183.



## City and County of San Francisco

### Tails

**Motion: M18-148**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 180957

**Date Passed:** October 30, 2018

Motion affirming the determination by the Planning Department, that the proposed project at 2750-19th Street is exempt from further environmental review under a Community Plan Evaluation.

October 30, 2018 Board of Supervisors - APPROVED

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

File No. 180957

I hereby certify that the foregoing Motion was APPROVED on 10/30/2018 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo  
Clerk of the Board

# **EXHIBIT E**

1 [Affirming the Community Plan Evaluation - 344-14th Street]

2

3 **Motion affirming the determination by the Planning Department that a proposed project**  
4 **at 344-14th Street is exempt from further environmental review under a Community**  
5 **Plan Evaluation.**

6

7 WHEREAS, On May 30, 2019, the Planning Department issued a Community Plan  
8 Evaluation and an Initial Study (“environmental determination”), pursuant to California  
9 Environmental Quality Act (“CEQA”), the CEQA Guidelines, 14 Cal. Code of Reg. sections  
10 15000 et seq., and Chapter 31 of the San Francisco Administrative Code, finding that the  
11 proposed project at 344-14th Street (“Project”) is consistent with the development density  
12 established by zoning, community plan, and general plan policies in the Eastern  
13 Neighborhoods Rezoning and Area Plans (the “Area Plan”) for the project site, for which a  
14 Programmatic Environmental Impact Report (the “PEIR”) was certified; and

15 WHEREAS, The project site consists of a surface parking lot located on the block  
16 bounded by 14th Street to the south, Stevenson Street to the west, Duboce Avenue to the  
17 north and Woodward Street to the east in San Francisco's Mission neighborhood; the lot is a  
18 15,664-square foot (sf) lot that occupies the entire 14th Street frontage of the subject block  
19 and also has frontages on Stevenson and Woodward streets; and

20 WHEREAS, The proposed project includes the construction of a seven-story, 78-foot  
21 tall (83 feet tall with elevator penthouse) mixed-use residential building; and

22 WHEREAS, The building would include 62 residential units, approximately 5,775 sf of  
23 ground floor retail space, and 63 class one bicycle parking spaces; the proposed project  
24 includes no vehicle parking; and

1           WHEREAS, The mixed-use residential building would include 1,800 sf of residential  
2 common open space on the ground floor, 3,210 sf of residential common open space on the  
3 seventh floor, and private residential open space on floors five and seven; and

4           WHEREAS, The project would require waivers, concessions, and/or incentives from  
5 the planning code's physical development limitations pursuant to California Government  
6 Code, Section 65915, commonly known as the state density bonus law, including for a  
7 building height that is 20 feet above the 58-foot height limit for the project site; and

8           WHEREAS, The proposed project would remove both an existing 22-foot curb cut on  
9 14th Street and an existing 18-foot curb cut on Stevenson Street; and

10          WHEREAS, Construction is estimated to last 18 months and would include 2,320 cubic  
11 yards of excavation to a depth of up to four feet below grade; there would be no excavation,  
12 shoring or construction work for a below-grade foundation within ten feet of the project's  
13 interior property lines which abut properties to the north of the project site on Woodward  
14 Street (82/84 Woodward Street); and

15          WHEREAS, The proposed project would include the removal of four trees on the  
16 project site and the planting of 21 street trees on Stevenson, Woodward and 14th streets; and

17          WHEREAS, On May 30, 2019, the Planning Commission adopted the environmental  
18 determination and approved the large project authorization for the project (Planning  
19 Commission Motion M-20492), which constituted the approval action under Chapter 31 of the  
20 Administrative Code; and

21          WHEREAS, By letter to the Clerk of the Board, dated August 26, 2019, Lisa Pedroncelli  
22 and Kelly Hill on behalf of Our Mission No Eviction ("Appellant"), appealed the environmental  
23 determination; and

1        WHEREAS, The Planning Department's Environmental Review Officer, by  
2 memorandum to the Clerk of the Board dated August 28, 2019, determined that the appeal  
3 had been timely filed; and

4        WHEREAS, On October 8, 2019, this Board held a duly noticed public hearing to  
5 consider the appeal of the environmental determination filed by Appellant and, following the  
6 public hearing, affirmed the environmental determination; and

7        WHEREAS, In reviewing the appeal of the environmental determination, this Board  
8 reviewed and considered the environmental determination, the appeal letter, the responses to  
9 the appeal documents that the Planning Department prepared, the other written records  
10 before the Board of Supervisors and all of the public testimony made in support of and  
11 opposed to the environmental determination appeal; and

12        WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
13 affirmed the determination that the Project does not require further environmental review  
14 based on the written record before the Board of Supervisors as well as all of the testimony at  
15 the public hearing in support of and opposed to the appeal; and

16        WHEREAS, The written record and oral testimony in support of and opposed to the  
17 appeal and deliberation of the oral and written testimony at the public hearing before the  
18 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
19 the environmental determination is in the Clerk of the Board of Supervisors File No. 190890  
20 and is incorporated in this motion as though set forth in its entirety; now therefore be it

21        MOVED, That the Board of Supervisors of the City and County of San Francisco  
22 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
23 forth, the environmental determination; and be it

24        FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
25 record before it there are no substantial project changes, no substantial changes in project

1       circumstances, and no new information of substantial importance that would change the  
2       conclusions set forth in the environmental determination by the Planning Department that the  
3       Project does not require further environmental review; and be it

4                  FURTHER MOVED, That after carefully considering the appeal of the environmental  
5       determination, including the written information submitted to the Board of Supervisors and the  
6       public testimony presented to the Board of Supervisors at the hearing on the environmental  
7       determination, this Board concludes that the Project is consistent with the development  
8       density established by the zoning, community plan, and general plan policies in the Area Plan,  
9       for which the PEIR was certified; would not result in new significant environmental effects, or  
10      effects of greater severity than were already analyzed and disclosed in the PEIR; and  
11      therefore does not require further environmental review in accordance with CEQA Section  
12      21083.3 and CEQA Guidelines Section 15183.

13  
14  
15  
16  
17  
18     n:\land\as2019\1900434\01396103.docx  
19  
20  
21  
22  
23  
24  
25



**City and County of San Francisco  
Tails**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Motion: M19-144**

---

**File Number:** 190891

**Date Passed:** October 08, 2019

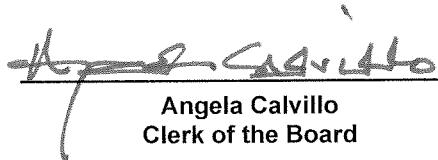
Motion affirming the determination by the Planning Department that a proposed project at 344-14th Street is exempt from further environmental review under a Community Plan Evaluation.

October 08, 2019 Board of Supervisors - APPROVED

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee  
Excused: 2 - Haney and Walton

File No. 190891

**I hereby certify that the foregoing Motion  
was APPROVED on 10/8/2019 by the Board  
of Supervisors of the City and County of  
San Francisco.**

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board