Motion adopting findings reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from further environmental review.

WHEREAS, On February 23, 2009, the Planning Department determined that a proposal to demolish two existing one- and two-story concrete buildings on two adjacent parcels and construct an eight-story, approximately 146,000 square foot residential building on the site, located at 430 Main Street/429 Beale Street (the "Project") was statutorily exempt from further environmental review after preparation of the Rincon Hill Plan Final Environmental Impact Report ("FEIR") under the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 as a Community Plan Exemption permitted thereunder and required no further environmental review ("Exemption Determination"). A copy of the Exemption Determination is on file with the Clerk of the Board of Supervisors in File No. 091088, and is incorporated by reference in this motion; and,

WHEREAS, On May 14, 2009, the Planning Commission approved the Project; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 8, 2009, Dane Ince filed an appeal of the Exemption Determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around September 8, 2009; and

WHEREAS, On October 20, 2009, this Board held a duly noticed public hearing to consider the appeal; and
WHEREAS, This Board has reviewed and considered the Exemption Determination, the appeal letter, the responses to the appeal that the Planning Department prepared, other written records before this Board, staff testimony and responses to questions raised, and heard public testimony in support of and opposed to the Exemption Determination appeal; and

WHEREAS, The Exemption Determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before this Board by reference in this motion; and

WHEREAS, CEQA provides that where a Project meets the requirements for use of a Community Plan Exemption, the public agency must limit its examination of environmental effects to those which the agency determines (1) are peculiar to the project or parcel on which the project would be located, or (2) were not analyzed as significant effects in the relevant prior EIR, or (3) are potentially significant off-site impacts or cumulative impacts that were not discussed in the prior EIR, or (4) are more severe adverse impacts than were analyzed in the prior EIR; and

WHEREAS, This Board examined these issues and heard extensive testimony on potential air quality impacts on-site for the Project caused by excessive PM 2.5 concentrations because of the Project’s location near the Bay Bridge on-ramps and other automobile arterials that were not specifically analyzed in the FEIR; and

WHEREAS, This Board heard and shared concerns that the potential environmental impacts of the Project on the adjacent site located at 201 Harrison Street with regard to excessive PM 2.5 concentrations, combined with the Project’s wind impacts on 201 Harrison Street, were not adequately analyzed in the FEIR; and

WHEREAS, This Board reviewed the analysis of the Project’s greenhouse gas effects, which were not analyzed in the FEIR, and determined that further study of the greenhouse...
gas effects of the Project is necessary to determine whether those impacts may be significant; and

WHEREAS, This Board considered the Exemption Determination, reviewed the requirements and determinations that CEQA requires for a Community Plan Exemption, and determined that additional environmental review is necessary for a determination regarding certain environmental effects that are peculiar to the Project and its location, were not analyzed as potential significant effects in the FEIR, or are potential significant off-site impacts that were not discussed in the FEIR; and

WHEREAS, On October 20, 2009, this Board voted to reverse the Planning Department’s determination that no further environmental review is necessary for the Project under the Community Plan Exemption with respect to three different potential environmental effects by Motion No. 091090; now therefore be it

RESOLVED, That this Board finds that the Community Plan Exemption set forth in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 applies to the Project and that the FEIR addresses the Project, with the exception of three issues as set forth herein; and be it further

RESOLVED, That this Board hereby directs the Planning Department to conduct additional environmental review and to prepare either a negative declaration or environmental impact report analyzing the potential impacts, as required by CEQA, on the following three potentially significant environmental impacts: (1) the potential air quality impacts on-site for the Project caused by concentrations of PM 2.5 because of the Project’s location near the Bay Bridge on-ramps and other automobile arterials, which impacts were not specifically analyzed in the FEIR; and (2) the potential impacts of the Project on the adjacent site located at 201 Harrison Street with regard to concentrations of PM 2.5, combined with the Project’s wind impacts on 201 Harrison Street, which were not analyzed in the FEIR; and (3) the Project’s
potential greenhouse gas effects, which were not analyzed in the FEIR, particularly with respect to the Project's relative contribution to the State of California's cumulative greenhouse gas effects.
Motion adopting findings reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from further environmental review.

October 28, 2009  Board of Supervisors — REFERRED: Board of Supervisors
November 3, 2009  Board of Supervisors — AMENDED
                      Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

November 3, 2009  Board of Supervisors — APPROVED AS AMENDED
                      Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
I hereby certify that the foregoing Motion was APPROVED AS AMENDED on November 3, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board