

1 [Conditionally Reversing the Categorical Exemption Determination - 1846 Grove Street]

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3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **project proposed for 1846 Grove Street is categorically exempt from further**
5 **environmental review, subject to the adoption of written findings of the Board in**
6 **support of this determination.**

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8 WHEREAS, On November 21, 2019, the Planning Department issued a CEQA
9 Categorical Exemption Determination for the proposed project located at 1846 Grove Street
10 (“Project”) under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines,
11 and San Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The project site is located on the block surrounded by Fulton Street to the
13 north, Masonic Avenue to the east, Grove Street to the south, and Ashbury Street to the west,
14 in the Haight Ashbury neighborhood; it includes a 3.5-foot-wide opening along Fulton Street,
15 widens at the rear to between approximately 90 and 100 feet and shares a property line with
16 adjacent lots; the lot slopes upward approximately 10 percent from the east to the west;
17 and

18 WHEREAS, The project proposes construction of four two-story, 18-feet 5-inch-tall
19 buildings including four dwelling units (two two-bedroom dwellings and two three-bedroom
20 dwellings) in the rear yard of the vacant lot, ranging from 1,026 to 1,407 square feet in size;
21 and

22 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
23 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
24 issued a categorical exemption for the Project on September 5, 2019, finding that the
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1 proposed project is exempt from CEQA under Class 3 - New Construction and a common
2 sense exemption, and that no further environmental review was required; and

3 WHEREAS, On April 9, 2020, the Planning Commission held a duly noticed public
4 hearing and approved a Conditional Use Authorization for the proposed project, which is
5 considered the approval action for the project; and

6 WHEREAS, On May 11, 2020, Brian Kingan (“Appellant”) filed an appeal with the
7 Office of the Clerk of the Board of Supervisors of the categorical exemption determination for
8 1846 Grove Street.; and

9 WHEREAS, By memorandum to the Clerk of the Board dated July 13, 2020, the
10 Planning Department’s Environmental Review Officer determined that the appeal was timely
11 filed; and

12 WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to
13 consider the appeal of the exemption determination filed by Appellant; and

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

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

24 WHEREAS, The written record and oral testimony in support of and opposed to the
25 appeal and deliberation of the oral and written testimony at the public hearing before the

1 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
2 the exemption determination is in the Clerk of the Board of Supervisors File No. 200746, and
3 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

4 MOVED, That this Board of Supervisors conditionally reverses the determination by the
5 Planning Department that the project is exempt from environmental review, subject to the
6 adoption of written findings of the Board in support of this determination.

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