

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 1531-1581
2 Howard Street and 118-134 Kissling Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed 1531-1581 Howard Street and 118-134**
5 **Kissling Street Project is categorically exempt from further environmental review.**

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7 WHEREAS, On October 31, 2019, the Planning Department issued a CEQA
8 Categorical Exemption Determination for the proposed project located at 1531-1581 Howard
9 Street and 118-134 Kissling Street ("Project") under the California Environmental Quality Act
10 ("CEQA"), the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The approximately 61,900-square-foot project site is comprised of nine
12 lots (Assessor's Parcel Block No. 3516 and Lot Nos. 39, 40, 41, 42, 44, 55, 56, 63 and 64),
13 and is located on the block bounded by Howard Street to the north, Kissling Street to the
14 south, 12th Street to the west and 11th Street to the east; and

15 WHEREAS, The Project would reconfigure an existing motor vehicle repair operation
16 by converting approximately 9,691 square feet of existing surface vehicle storage on Lot Nos.
17 56 and 64 to four-level parking stackers; converting 8,069 square feet of existing surface
18 vehicle storage on Lot Nos. 39, 40, 41, and 42 to four-level parking stackers; constructing an
19 approximately 1,283-gross-square-foot car wash on Lot No. 64; and installing approximately
20 32'-7"-tall metal screens on portions of the Kissling Street frontage and approximately 32'-7"-
21 tall metal screens on portions of the Howard Street frontage; and

22 WHEREAS, The proposed stackers would accommodate approximately 200 net new
23 vehicles; the parking storage and car wash facilities would not be open to the public and
24 would be for the existing auto repair business only; the project would reduce the existing 42-
25 foot-wide curb cut on the Howard Street frontage to approximately 29 feet wide and remove

1 the existing 46.5-foot-wide curb cut on the Kissling Street frontage; would amend the San
2 Francisco zoning map by changing the zoning district for Lot Nos. 39, 40, 41 and 42 at the
3 project site from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed); and

4 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
5 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
6 issued a categorical exemption for the Project on December 24, 2019, finding that the Project
7 is exempt from CEQA under CEQA Guidelines, Section 15311, or Class 11, which consists of
8 construction, or placement of minor structures accessory to (appurtenant to) existing
9 commercial, industrial, or institutional facilities; and

10 WHEREAS, On March 10, 2016, the Planning Commission approved a conditional use
11 authorization for the first phase of the Project considered in the environmental review under
12 Planning Commission Motion No. 19588 at a noticed public hearing; and

13 WHEREAS, On September 27, 2016, the project sponsor submitted an application for
14 a conditional use authorization and an application for a legislative amendment to the planning
15 department's Current Planning Division for a second phase of the project; on October 20,
16 2016, the project sponsor submitted a new environmental review application to the Planning
17 Department for modifications to the project components approved in Planning Commission
18 Motion No. 19588; and

19 WHEREAS, The Planning Department initially determined that the September 27,
20 2016, application did not constitute a substantial modification of the project for which the
21 department had issued a categorical exemption determination under Section 31.08(i) of
22 Chapter 31 of the San Francisco Administrative Code and, therefore, that no additional CEQA
23 environmental review was required for the currently proposed project; and

24 WHEREAS, On October 25, 2018, the Planning Commission approved a conditional
25 use authorization and adopted a zoning map amendment under Planning Commission Motion

1 No. 20329 at a noticed public hearing for the second phase of the Project described in the
2 September 27, 2016, conditional use authorization and legislative amendment applications;
3 and

4 WHEREAS, On December 16, 2019, Stephen M. Williams, on behalf of William
5 Hedden (“Appellant”) filed an appeal of the no substantial modification determination;
6 thereafter, the department rescinded both the determination of no substantial modification and
7 the March 2, 2016, categorical exemption determination; and

8 WHEREAS, On December 24, 2019, the Planning Department determined that, like the
9 project analyzed in the first CEQA determination, the Project as modified is categorically
10 exempt under CEQA Class 11 and that no further environmental review is required; and

11 WHEREAS, On January 23, 2020, Appellant filed an appeal of the December 24, 2019,
12 environmental determination; and

13 WHEREAS, By memorandum to the Clerk of the Board dated January 29, 2020, the
14 Planning Department’s Environmental Review Officer determined that the appeal was timely
15 filed; and

16 WHEREAS, On August 11, 2020, this Board held a duly noticed public hearing to
17 consider the appeal of the exemption determination filed by Appellant; and

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

23 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
24 conditionally reversed the exemption determination subject to the adoption of written findings
25 of the Board in support of such determination based on the written record before the Board of

1 Supervisors, as well as all of the testimony at the public hearing in support of and opposed to
2 the appeal; and

3 WHEREAS, The written record and oral testimony in support of and opposed to the
4 appeal and deliberation of the oral and written testimony at the public hearing before the
5 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
6 the exemption determination is in the Clerk of the Board of Supervisors File No. 200103, and
7 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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