

1 [Conditionally Reversing the Categorical Exemption Determination - Proposed 2142-22nd
2 Street Project]

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3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 2142-22nd Street is categorically exempt from environmental**
5 **review, subject to the adoption of written findings of the Board of Supervisors in**
6 **support of this determination.**

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8 WHEREAS, On December 12, 2024, the Planning Department determined that the
9 proposed 2142-22nd Street Project (the Project), at Assessor's Parcel Block No. 4094, Lot
10 No. 038, is categorically exempt from the California Environmental Quality Act (CEQA) under
11 the Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small
12 Structures) categorical exemptions - Sections 15301 and 15303 of the CEQA Guidelines,
13 respectively; and

14 WHEREAS, The Project proposes to demolish an existing single-family dwelling and
15 construct a new six story building with five new units (including a one one-bedroom unit and
16 four three-bedroom units), five off-street parking spaces housed within stackers, and five
17 bicycle parking spaces; and

18 WHEREAS, CEQA Guidelines, Sections 15301 through 15333 list the categorical
19 exemptions for classes of projects that have been determined not to have a significant effect
20 on the environment and that are exempt from further environmental review; and

21 WHEREAS, CEQA Guidelines, Section 15301 (Existing Facilities), or Class 1, applies
22 to minor alterations of existing facilities, including demolition and removal of small structures
23 such as a small commercial structure and additions to existing structures provided that the
24 addition will not result in an increase of more than 10,000 square feet if the project is in an
25 area where all public services and facilities are available to allow for maximum development

1 permissible in the General Plan, and further provided that the area in which the project is
2 located is not environmentally sensitive; and

3 WHEREAS, CEQA Guidelines, Section 15303 (New Construction or Conversion of
4 Small Structures), or Class 3, applies to projects that include new construction or changes of
5 use under 10,000 square feet, if such change of use is principally permitted or permitted with
6 a Conditional Use Authorization; and

7 WHEREAS, The Planning Department determined that the Project is exempt under
8 both the Class 1 and Class 3 categorical exemptions, because it meets the criteria for
9 applicability of the exemptions, and none of the exceptions that would preclude application of
10 the exemptions listed under CEQA Guidelines, Section 15300.2 are present; and

11 WHEREAS, On January 2, 2025, the Planning Department issued the Planning
12 Approval Letter for the Project; and

13 WHEREAS, On January 30, 2025, James Purchase, on behalf of 2132-2136 22nd
14 Street HOA (Appellant), filed an appeal with the Office of the Clerk of the Board of
15 Supervisors of the categorical exemption for the Project; and

16 WHEREAS, By memorandum to the Clerk of the Board dated February 5, 2025, the
17 Planning Department's Environmental Review Officer determined that the appeal was timely
18 filed; and

19 WHEREAS, On April 15, 2025, this Board held a duly noticed public hearing to
20 consider the appeal filed by Appellant; and

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

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1 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
2 conditionally reversed the Planning Department’s determination that the Project is
3 categorically exempt, subject to the adoption of written findings of the Board in support of
4 such determination based on the written record before the Board of Supervisors as well as all
5 of the testimony at the public hearing in support of and opposed to the appeal; and

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and the oral and written testimony at the public hearing before the Board of
8 Supervisors by all parties and the public in support of and opposed to the appeal, including
9 the deliberations by the members of the Board, is in the Clerk of the Board of Supervisors File
10 No. 250134, and is incorporated in this Motion as though set forth in its entirety; now,
11 therefore, be it

12 MOVED, That the Board of Supervisors conditionally reverses the determination by the
13 Planning Department that the Project is categorically exempt from environmental review,
14 subject to the adoption of written findings of the Board in support of this determination.

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