

1 [Affirming the Categorical Exemption Determination - 1846 Grove Street]

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3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 1846 Grove Street is categorically exempt from further environmental review.**

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

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

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

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

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

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

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

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

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

17 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
18 affirmed the exemption determination for the Project based on the written record before the
19 Board of Supervisors as well as all of the testimony at the public hearing in support of and
20 opposed to the appeal; and

21 WHEREAS, The written record and oral testimony in support of and opposed to the
22 appeal and deliberation of the oral and written testimony at the public hearing before the
23 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
24 the exemption determination is in the Clerk of the Board of Supervisors File No. 200746, and
25 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

1 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
2 reference in this motion, as though fully set forth, the exemption determination; and, be it

3 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
4 record before it there are no substantial project changes, no substantial changes in project
5 circumstances, and no new information of substantial importance that would change the
6 conclusions set forth in the exemption determination by the Planning Department that the
7 Project is exempt from environmental review; and, be it

8 FURTHER MOVED, That after carefully considering the appeal of the exemption
9 determination, including the written information submitted to the Board of Supervisors and the
10 public testimony presented to the Board of Supervisors at the hearing on the exemption
11 determination, this Board concludes that the Project qualifies for an exemption determination
12 under CEQA.

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