

1 [Conditionally Reversing the Categorical Exemption Determination - 3620 Buchanan Street]

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3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 3620 Buchanan 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 7, 2018, the Planning Department issued a CEQA
9 Categorical Exemption Determination for the proposed project ("Project) under the California
10 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative
11 Code, Chapter 31; and

12 WHEREAS, The Project is located on the same parcel as City Landmark No. 58 and
13 involves the demolition of a non-contributory one-story garden house currently used as office
14 space and demolition of a portion of the non-contributory garden patio and the construction of
15 a new four-story, 13,279 square foot residential building. The new construction will include
16 eight units, eight bicycle parking spaces, and one accessible vehicle parking space. The
17 portion of the existing garden to remain will be utilized as open space. No interior or exterior
18 changes to the S.F. Gas Light Co. building at 3636 Buchanan Street are proposed; and

19 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
20 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
21 issued a categorical exemption for the Project on November 7, 2018, finding that the Project is
22 exempt from the California Environmental Quality Act (CEQA) as a Class 32 categorical
23 exemption, which allows for In-Fill Development Projects, consists characterized as in-fill
24 development meeting the following conditions outlined in Section 15332(a)-(e): (a) The project
25 is consistent with the applicable general plan designation and all applicable general plan

1 policies as well as with applicable zoning designation and regulations; (b) The proposed
2 development occurs within city limits on a project site of no more than five acres substantially
3 surrounded by urban uses; and (c) The project site has no value as habitat for endangered,
4 rare or threatened species; and

5 WHEREAS, On January 31, 2019, the Planning Commission held a public hearing and
6 approved the Conditional Use Authorization for the proposed project; and

7 WHEREAS, On March 4, 2019, Charles Olson of Lubin Olson & Niewiadomski, LLP on
8 behalf of the 1598 Bay Condominium Association (“Appellant”) filed an appeal with the Office
9 of the Clerk of the Board of Supervisors of the categorical exemption determination for the
10 3620 Buchanan Street project; and

11 WHEREAS, By memorandum to the Clerk of the Board dated March 7, 2019, the
12 Planning Department’s Environmental Review Officer determined that the appeal was timely
13 filed; and

14 WHEREAS, On April 16, 2019, this Board held a duly noticed public hearing to
15 consider the appeal of the exemption determination filed by Appellant; and

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

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

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeal and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
4 the exemption determination is in the Clerk of the Board of Supervisors File No. 190275, and
5 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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