

File No. 200749

Committee Item No. \_\_\_\_\_

Board Item No. 47

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 29, 2020

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

### OTHER

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Prepared by: Jocelyn Wong

Date: September 25, 2020

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 1846 Grove  
2 Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**  
4 **by the Planning Department that the proposed project at 1846 Grove Street is**  
5 **categorically exempt from further environmental review.**

6  
7 WHEREAS, On September 5, 2019, the Planning Department issued a CEQA  
8 Categorical Exemption Determination for the proposed project located at 1846 Grove Street  
9 (“Project”) under the California Environmental Quality Act (“CEQA”), the CEQA Guidelines,  
10 and San Francisco Administrative Code, Chapter 31; and

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

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

21 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines  
22 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),  
23 issued a categorical exemption for the Project on September 5, 2019, finding that the  
24  
25

1 proposed project is exempt from the 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 the Board of Supervisors directs the Clerk of the Board to prepare the  
5 findings specifying the basis for its decision on the appeal of the exemption determination  
6 issued by the Planning Department for the Project.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only