

1 [Affirming the Categorical Exemption Determination - 3620 Buchanan Street]

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3 **Motion affirming the determination by the Planning Department that the proposed**  
4 **project at 3620 Buchanan Street is categorically exempt from further environmental**  
5 **review.**

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7 WHEREAS, On November 7, 2018, the Planning Department issued a CEQA  
8 Categorical Exemption Determination for the proposed project ("Project) under the California  
9 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative  
10 Code, Chapter 31; and

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

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

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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 affirmed the exemption determination for the Project based on the written record before the  
23 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
24 opposed to the appeal; and

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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 the Board of Supervisors hereby adopts as its own and incorporates by  
7 reference in this motion, as though fully set forth, the November 7, 2018 exemption  
8 determination; and, be it

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

14           FURTHER MOVED, That after carefully considering the appeal of the exemption  
15 determination, including the written information submitted to the Board of Supervisors and the  
16 public testimony presented to the Board of Supervisors at the hearing on the exemption  
17 determination, this Board concludes that the Project qualifies for an exemption determination  
18 under CEQA.