

1 [Affirming the Categorical Exemption Determination - 1531-1581 Howard Street and 118-134  
2 Kissling Street]

3 **Motion affirming the determination by the Planning Department that the proposed 1531-**  
4 **1581 Howard Street and 118-134 Kissling Street Project is categorically exempt from**  
5 **further environmental review.**

6  
7 WHEREAS, On December 24, 2019, the Planning Department issued a CEQA  
8 Categorical Exemption Determination for the proposed project at 1531-1581 Howard Street  
9 and 118-134 Kissling Street ("Project") under the California Environmental Quality Act  
10 ("CEQA"), the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The approximately 61,900-square-foot project site is comprised of nine  
12 lots (Assessor's Parcel Block No. 3516 and Lot Nos. 39, 40, 41, 42, 44, 55, 56, 63 and 64),  
13 and is located on the block bounded by Howard Street to the north, Kissling Street to the  
14 south, 12th Street to the west and 11th Street to the east; and

15 WHEREAS, The Project would reconfigure an existing motor vehicle repair operation  
16 by converting approximately 9,691 square feet of existing surface vehicle storage on Lot Nos.  
17 56 and 64 to four-level parking stackers; converting 8,069 square feet of existing surface  
18 vehicle storage on Lot Nos. 39, 40, 41, and 42 to four-level parking stackers; constructing an  
19 approximately 1,283-gross-square-foot car wash on Lot No. 64; and installing approximately  
20 32'-7"-tall metal screens on portions of the Kissling Street frontage and approximately 32'-7"-  
21 tall metal screens on portions of the Howard Street frontage; and

22 WHEREAS, The proposed stackers would accommodate approximately 200 net new  
23 vehicles; the parking storage and car wash facilities would not be open to the public and  
24 would be for the existing auto repair business only; the project would reduce the existing 42-

1 foot-wide curb cut on the Howard Street frontage to approximately 29 feet wide and remove  
2 the existing 46.5-foot-wide curb cut on the Kissling Street frontage; would amend the San  
3 Francisco zoning map by changing the zoning district for Lot Nos. 39, 40, 41 and 42 at the  
4 project site from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed); and

5 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines  
6 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),  
7 issued a categorical exemption for the Project on December 24, 2019, finding that the Project  
8 is exempt from CEQA under CEQA Guidelines, Section 15311, or Class 11, which consists of  
9 construction, or placement of minor structures accessory to (appurtenant to) existing  
10 commercial, industrial, or institutional facilities; and

11 WHEREAS, On March 10, 2016, the Planning Commission approved a conditional use  
12 authorization for the first phase of the Project considered in the environmental review under  
13 Planning Commission Motion No. 19588 at a noticed public hearing; and

14 WHEREAS, On September 27, 2016, the project sponsor submitted an application for  
15 a conditional use authorization and an application for a legislative amendment to the planning  
16 department's Current Planning Division for a second phase of the project; on October 20,  
17 2016, the project sponsor submitted a new environmental review application to the Planning  
18 Department for modifications to the project components approved in Planning Commission  
19 Motion No. 19588; and

20 WHEREAS, The Planning Department initially determined that the September 27,  
21 2016, application did not constitute a substantial modification of the project for which the  
22 department had issued a categorical exemption determination under Section 31.08(i) of  
23 Chapter 31 of the San Francisco Administrative Code and, therefore, that no additional CEQA  
24 environmental review was required for the currently proposed project; and

25

1           WHEREAS, On October 25, 2018, the Planning Commission approved a conditional  
2 use authorization and adopted a zoning map amendment under Planning Commission Motion  
3 No. 20329 at a noticed public hearing for the second phase of the Project described in the  
4 September 27, 2016, conditional use authorization and legislative amendment applications;  
5 and

6           WHEREAS, On December 16, 2019, Stephen M. Williams, on behalf of William  
7 Hedden (“Appellant”) filed an appeal of the no substantial modification determination;  
8 thereafter, the department rescinded both the determination of no substantial modification and  
9 the March 2, 2016, categorical exemption determination; and

10           WHEREAS, On December 24, 2019, the Planning Department determined that, like the  
11 project analyzed in the first CEQA determination, the Project as modified is categorically  
12 exempt under CEQA Class 11 and that no further environmental review is required; and

13           WHEREAS, On January 23, 2020, Appellant filed an appeal of the December 24, 2019,  
14 environmental determination; and

15           WHEREAS, By memorandum to the Clerk of the Board dated January 29, 2020, the  
16 Planning Department’s Environmental Review Officer determined that the appeal was timely  
17 filed; and

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

20           WHEREAS, In reviewing the appeal of the exemption determination, this Board  
21 reviewed and considered the December 24, 2019, exemption determination, the appeal letter,  
22 the responses to the appeal documents that the Planning Department prepared, the other  
23 written records before the Board of Supervisors and all of the public testimony made in  
24 support of and opposed to the exemption determination appeal; and

25

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

5           WHEREAS, The written record and oral testimony in support of and opposed to the  
6 appeal and deliberation of the oral and written testimony at the public hearing before the  
7 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
8 the exemption determination is in the Clerk of the Board of Supervisors File No. 200103 and is  
9 incorporated in this motion as though set forth in its entirety; now, therefore, be it

10          MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by  
11 reference in this motion, as though fully set forth, the December 24, 2019, exemption  
12 determination; and, be it

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

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

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