

File No. 200105

Committee Item No. _____

Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: August 11, 2020

Cmte Board

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OTHER

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Prepared by: Lisa Lew

Date: April 10, 2020

Prepared by: Lisa Lew

Date: August 7, 2020

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

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed 1531-1581 Howard Street and 118-134 Kissling Street Project is categorically**
5 **exempt from further environmental review, subject to the adoption of written findings**
6 **of the Board in support of this determination.**

7
8 WHEREAS, On March 3, 2020, the Planning Department issued a CEQA Categorical
9 Exemption Determination for the proposed project located at 1531-1581 Howard Street and
10 118-134 Kissling Street (“Project”) under the California Environmental Quality Act ("CEQA"),
11 the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and

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

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

23 WHEREAS, The proposed stackers would accommodate approximately 200 net new
24 vehicles; the parking storage and car wash facilities would not be open to the public and
25 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

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 exemption determination, the appeal letter, the responses to the
22 appeal documents that the Planning Department prepared, the other written records before
23 the Board of Supervisors and all of the public testimony made in support of and opposed to
24 the exemption determination appeal; and

25

1 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
2 conditionally reversed the exemption determination subject to the adoption of written findings
3 of the Board in support of such determination based on the written record before the Board of
4 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
5 the appeal; and

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

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

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Print Form

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. Question(s) 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):

Clerk of the Board

Subject:

Conditionally Reversing the Categorical Exemption Determination - 1531-1581 Howard Street and 118-134 Kissling Street

The text is listed:

Motion conditionally reversing the determination by the Planning Department that the proposed project at 1531-1581 Howard Street and 118-134 Kissling Street is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination.

Signature of Sponsoring Supervisor:

Alisa Gomez

For Clerk's Use Only

File No. 200105