



LAW OFFICES OF
STEPHEN M. WILLIAMS

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November 26, 2018

Malia Cohen, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

2018 NOV 26 PM 3:24
BY BA

RE: **Appeal of Categorical Exemption from Environmental Review**
PROJECT: **Zoning Map Amendment from Residential to Car Storage**
ADDRESS: **118-134 Kissling Street**
ZONING: **Western SoMa Area Plan; Residential Enclave District, eligible Western SoMa Light Industrial & Residential Historic District Planning Commission Hearing Date October 25, 2018**

Dear President Cohen and Members of the Board:

INTRODUCTION

On behalf of William Hedden (Appellant) and numerous other neighbors of the proposed Project I am writing to urge this Board to set aside the exclusion from environmental review under the provisions of the California Environmental Quality Act (CEQA Categorical Exemption Determination---“CatEx”) granted by the Planning Department to the Zoning Map Amendment proposed for 118-134 Kissling Street (the “Project”). The CatEx which is part of a conditional use approval issued by the Planning Commission on October 25, 2018, is attached as Exhibit 1. Appellant owns the fifteen (15) unit, historic, rent-controlled apartment building directly adjacent to the site at 230 11th Street.

The Project site is in the Eastern Neighborhoods, Western SoMa Area Plan and is part of the South of Market Mixed Use Districts. The four lots of the Project to be re-zoned are currently zoned as *Residential Enclave District* (RED) and has been used for many years as a parking lot by a nearby automotive dealership. (a non-conforming use in a RED District...that is supposed to sunset under Planning Code Section 185 & 186).

Importantly, none of the environmental documents/applications or review by environmental staff note that the site is *entirely* within the eligible Western SoMa Light Industrial & Residential Historic District and is surrounded by important, contributing buildings. The fact that a project is in an eligible Historic District **MUST** be included in any adequate CEQA review and analysis. This fact must be noted, discussed and resolved to comply with CEQA. There is also no note or analysis of the applicable Design Guidelines for the area.

The site is within Western SoMa Light Industrial & Residential Historic District, and oddly, no analysis (or even a mention) of this fact is included in any of the environmental

review documents. There is no discussion or note of the installation of a solid wall of car stackers in a Historic District and specifically, placing those stackers between buildings of importance and noted significance in the Historic District. (230 11th Street and 138 Kissling Street).

The proposed Project is to re-zone these restricted residential lots to allow the lots to be used for vehicle storage in large car stackers, a use which is not a permitted use in the RED Districts. As the name describes, RED zoned areas are enclaves in the South of Market area to be used *exclusively* for current and future residential uses. The Project is surrounded by residential uses on three sides and Appellant's building to the east and the home to the west are both acknowledged historic buildings. The Project is opposed by its immediate neighbors because of potential negative impacts to the historic neighborhood and what is supposed to be a specifically preserved historic *residential* character on the narrow alley of Kissling Street. The proposed unbroken façade of metal screens is decidedly out-of-character and out of place on historic Kissling Street.

No prior notice was given of the re-zoning of the subject lots and "approval" (March 2016) was given to the Project Sponsor some years ago in error for a use that is not permitted at the site. Accordingly, Appellant also appeals the belated determination by the Planning Dept. that the Project may not go forward without re-zoning the lots from RED to RED-MX is not a "substantial modification" and that the Project has been impermissibly "piecemealed" into several approvals. Both the Dept and the Sponsor apparently failed to note the zoning at the site when proposing and reviewing the proposal and failed to note that the Project proposed at the site is not a permitted use in the RED District and therefore the Project may not be approved without rezoning the site.

1. The Environmental Review for the Project Fails to Note that the Project is Entirely Within a Historic District & Surrounded by Contributing Buildings

The Project site at 118-134 Kissling Street is located within the eligible Western SoMa Light Industrial & Residential Historic District. One cannot obtain that information from a review of the environmental analysis for the Project as no mention of the Historic District is included in the environmental review---even the fact that the Historic District exists is omitted. Staff failed to note the site was in a historic District and failed to note that the application was for a non-permitted use.

This important new eligible Historic District was certified and adopted by the Historic Preservation Commission in February 2011. None of the notices for the Project mention this fact and all the environmental review documents are devoid of any information or analysis related to this crucial fact. Further, the Project on Kissling Street is sandwiched between two important contributing and eligible buildings at 230 11th Street and 138 Kissling Street.

CEQA review and notably CEQA review in Historic Districts is about providing information and analysis to determine if the proposal could cause a detrimental impact in the Historic District and any surrounding historic resources. This was clearly not

accomplished in this instance. No mention is made in ANY of the environmental documents of even the existence of this Historic District. Staff was apparently unaware the Project is in a Historic District.

The consultants' reports submitted by the Sponsor and the Dept's environmental paperwork---including the Application, CatEx, Modification of the CatEx, Public Notices and all other staff reports or analysis, completely omit this important fact. On this ground alone, the CatEx and Environmental review mandated by CEQA is insufficient. There is also no mention of the specific design guidelines adopted for the RED zoned Districts or even the RED-MX zoned areas. The fact that a project is in a Historic District MUST be included in any adequate CEQA review and analysis.

**2. The City Policies for Preserving Housing Must Also be Applied to Preserving
Housing Site Opportunities for New and Moderate-Income Housing**

Although the project is not typically the type which might have significant environmental impacts, given the circumstances of the housing crisis, and the City's dire need for housing and affordable or moderately priced housing this Project will have untold negative impacts. Rezoning these vacant parcels, parking lots and other properties currently in open storage use which are also currently undeveloped or underdeveloped and are viewed by the present zoning philosophy as opportunity sites for new, moderate-income, in-fill housing--only new residential uses are principally permitted in the RED Districts---is directly contrary to the General Plan and the housing policies of the City.

Yet the Department has done nothing to address these all-important issues and there is no mention at all the lost housing opportunity which is being squandered. A completely different standard may not be applied to the Project and the multitude of housing preservation policies ignored. The Department did not require any review of the lost housing opportunities in this case. The process is established such that the Department must conduct the analysis in order to reach a conclusion of no possible impact and to issue a CatEx.

**3. The Findings of Overriding Benefits Are Not "Public" Benefits and Are in
Direct Conflict with The General Plan Which Mandates Retention of
Housing Opportunity Sites**

The City's General Plan is the "constitution" for development. All land use and development approvals must be consistent with the General Plan. To be consistent, a development approval must further objectives and policies of the General Plan. Although the City has significant discretion to determine whether a project is consistent with the General Plan, projects cannot be inconsistent with fundamental, mandatory and specific policies.

The proposed project is directly and bluntly inconsistent with the most fundamental aspects of the mandatory policies of our General Plan. It is acknowledged that the project re-zones what is acknowledged to be multiple opportunity sites for new, moderate-

income, in-fill housing sites. These are specifically preserved by the zoning as **opportunity sites for new, moderate-income, in-fill housing**. (See, Appendix A) The City, the Planning Commission and the Department do not have the discretion to set aside these policies in favor of the Project which is acknowledged to eliminate the mandate for housing at the site. The Priority Policies forbid such a result under any but the most unusual circumstances, not present here.

The Residence Element to the City's General Plan states as follows:

"Two policies are to be given priority and are to be the basis upon which inconsistencies in this Element and other parts of the Master Plan are resolved. They are:

- **That the City's supply of affordable housing be preserved and enhanced.**
- **That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods."** (bold type in the original)

The Department fails to acknowledge that this Project, by re-zoning what is currently reserved for housing, violates these fundamental policies. The analysis then does what the General Plan forbids it to do....it "balances" a litany of lesser policies and priorities against these ultimate priority policies and concludes that the Project meets assorted Urban Design Element-Transportation Element-Recreation and Open Space Element etc. and is sufficient to set aside and violate the priority policies. However, under CEQA, the Dept has the obligation to at least review the issues and not to completely ignore them.

Although this is not a referendum on Royal Motors (it doesn't matter who the applicant is, these policies may not be violated) the laundry list of "benefits" are all private benefits for a private business which sells luxury cars. Such matters are completely irrelevant to the issues and policies to be considered by review under the General Plan for the purposes of CEQA. For this reason, the Categorical Exemption Determination is completely inadequate and cannot provide legal justification for violation of the most fundamental and important policies of the City's General Plan. It simply fails to correctly describe the Project or to review the policies applicable to the Project.

There is no evidence to support the Dept's conclusion that specific overriding "commercial" or other benefits of the Project outweigh the significant effects on the environment and the obvious violation of the General Plan's most important priority policies. In this instance Categorical Exemption Determination is invalid because it fails to offer a proper basis for approving the Project and simply fails to discuss possible environmental effects. Since the record does not support the Dept's finding that a CatEx may issue under the circumstances in front of the Board.

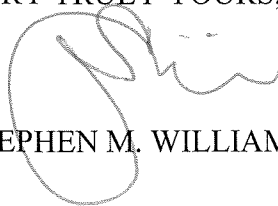
4. The Categorical Exemption was Improperly Issued; the Project Description Fails to Note the Eligible Historic District or the needed Rezoning for the Project, the Creation of More Than 70 New Parking Spaces, or the Extent of the Substantial Excavation Necessary for the Project

The most crucial aspect for Environmental Review is an accurate and detailed project description. The Cat Ex issued in this instance was issued on February 13, 2015, 3 ½ years before the rezoning Project was brought before the Planning Commission. There is no mention of the rezoning in the project description nor is the loss of the housing opportunity sites mentioned anywhere in the Project description or the legislative documents supporting the Project.

The Project also fails to note that it creates far greater than six more new net parking spaces at the site. The Applicant or the Environmental Planner simply failed to note this mandatory issue under the Transportation Impact. For unknown reasons, the Department mistakenly failed to analyze, under the transportation element, the creation of dozens of new parking spaces from the installation of the stackers and possible increased vehicle trips on narrow, residential Kissling Street. Further, Environmental Review is required given the substantial changes to the Project years later and the omission of crucial information in the Project description and the errors and omissions on the Cat Ex.

We request that the Board of Supervisors uphold and grant our appeal and return the CatEx to the Department for further consideration and for findings consistent with the General Plan.

VERY TRULY YOURS,



STEPHEN M. WILLIAMS

APPENDIX A

SUMMARY OF DISTRICT STANDARDS RESIDENTIAL ENCLAVE DISTRICT (RED)

813 -- RED (RESIDENTIAL ENCLAVE) DISTRICT – Residential Enclave Districts (RED) encompass the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the South of Market SLR district. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

Art. 8 -- USES – Dwelling units are permitted as a principal use. Social services and institutional uses are permitted as conditional uses. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Sections 185 and 186.

803.4 -- USES NOT PERMITTED – Uses generally not permitted in any South of Market District: Adult entertainment, bookstore or theater; amusement game arcade or similar enterprise; shooting gallery; animal kennel, riding academy or livery stable; automobile, truck, van, recreational vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles; auto wrecking operation; drive-up facility; hotel, motel, hostel, inn, or bed and breakfast establishment; heavy industry subject to Sec 226(e)-(w); junkyard; landing field for aircraft; massage establishment; mortuary; movie theater and sports stadium or arena.

Art. 2.5 -- HEIGHT AND BULK – Generally 40-X (See Height and Bulk Zoning Maps and Standards in Article 2.5 of the City Planning Code.)

124 -- FLOOR AREA RATIO LIMIT - The commercial FAR for the district is 1:1.

813.03 -- DWELLING UNIT DENSITY – One unit per 400 square feet of lot area.

134 -- REAR YARDS – A rear yard of 25% of the lot depth would be required at the first level of residential use and above, or may be modified or waived as per Section 134(e).

135 -- OPEN SPACE – Open space would be required for all commercial and industrial uses, at the following ratios: one sq. ft. of open space per 250 gross sq. ft. of general commercial, which includes retail, eating or drinking establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses (1:250); 1:120 for manufacturing and light industrial, storage without distribution facilities, and like uses; and 1:90 for office use. Residences would require 60 sq. ft. of open space.

151 -- PARKING - Parking spaces for dwelling units require one space for each dwelling unit; workspace for architects and engineers would require one parking space per 1,000 sq. ft. of floor area (1:1000); artist and artisan production and performance spaces would have a 1:2000 requirement



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendment HEARING DATE: OCTOBER 25, 2018

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: 118-134 Kissling Street
Case Number: 2016-012474MAP [Board File No. TBD]
Initiated by: Planning Commission, per Applicant Request
Staff Contact: Esmeralda Jardines, Current Planning
esmeralda.jardines@sfgov.org, 415-575-9144
Reviewed by: Richard Sucre, Principal Planner, Southeast Team, Current Planning
richard.sucre@sfgov.org, 415-575-9108
Recommendation: **Approval**

ZONING MAP AMENDMENT

The proposed Zoning Map Amendment to San Francisco Map Sheet No. ZN07 would rezone Block No. 3516 and Lot Nos. 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed) Zoning District.

The Way It Is Now:

San Francisco Map Sheet No. ZN07 identifies Block No. 3516 and Lot Nos. 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) as within the RED (Residential Enclave) Zoning District.

The Way It Would Be:

San Francisco Map Sheet No. ZN07 would identify Block No. 3516 and Lot Nos. 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) as within the RED-MX (Residential Enclave-Mixed) Zoning District.

BACKGROUND

On March 10, 2016, the Planning Commission approved Motion No. 19588 adopting findings relating to the approval of Conditional Use Authorization, pursuant to Planning Code Sections 157.1, 303, and 844.71, for enclosed vehicle storage for a project proposing to establish three four-level stacker storage structures with a total of 132 spaces for an existing automotive repair facility within the WMUG (Western SoMa Mixed Use-General) District and 55-X Height and Bulk District, and adopting findings under the California Environmental Quality Act. This project was phase one of an automotive repair expansion for the entity (DBA Royal Motors).

On October 19, 2017, the Planning Commission initiated the rezoning of the subject parcel per Planning Commission Resolution No. 20031.

On October 25, 2018, the Planning Commission will hear and consider phase two of this automotive repair expansion (see Case no. 2016-012474CUA). The Planning Commission must adopt findings relating to the approval of Conditional Use Authorization, pursuant to Planning Code Sections 303, 823, and

847.58, to permit the construction of vehicle storage stackers with 96 spaces serving an existing automotive repair use (DBA Royal Automotive Group) with a new screen wall along Kissling Street located at 118-134 Kissling Street, Lots: 039, 040, 041, and 042 in Assessor's Block 3516, within the Residential Enclave-Mixed Zoning District and a 40-X Height and Bulk District, and adopting findings under the California Environmental Quality Act.

ISSUES AND CONSIDERATIONS

- **Vehicle Storage-Enclosed Lot.** Planning Code Section 813.58 states Vehicle Storage-Enclosed Lot, as defined by Planning Code Section 890.132, is not permitted in the Residential Enclave Zoning District. Planning Code Section 847.58 states that a Conditional Use Authorization is required for Vehicle Storage-Enclosed Lot, as defined by Planning Code Section 890.132 in the Residential Enclave-Mixed Zoning District. Without the rezoning, the existing and intended use at 118-134 Kissling Street would not be permitted. Therefore, a local industrial business would not be permitted to grow and expand at its current site.

GENERAL PLAN COMPLIANCE

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and do attract new such activity to the City.

The proposed amendment would permit a PDR business to retain the existing automotive repair use (DBA Royal Motors) which occupies an approximately 62,000 sq. ft. site by allowing an expansion that would provide additional vehicle storage and service capacity to better ensure its long term viability at the subject site. The additional vehicle storage capacity will allow Royal Motors to deliver cars to dealerships and owners more rapidly than currently possible. Thus, an industrial business will be allowed to expand and remain in San Francisco. Currently, the RED (Residential Enclave) Zoning District does not permit an enclosed lot for vehicle storage. However, this land use is conditionally permitted in the RED-MX (Residential Enclave-Mixed) Zoning District. Without the rezoning, this use would not be permitted and the existing industrial business would not be permitted to grow in capacity.

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNDEREMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention, and expansion of commercial and industrial firms, which provide employment improvement opportunities for unskilled and semi-skilled workers.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.3

Carefully consider public actions that displace existing viable industrial firms.

Policy 4.4

When displacement does occur, attempt to relocate desired firms within the city.

Policy 4.6

Assist in the provision of available land for site expansion.

Policy 4.10

Enhance the working environment within the industrial areas.

The proposed amendment promotes the attraction, retention, and expansion of the existing automotive repair use by enhancing its operational capacity and thereby, providing the potential for expanded employment opportunities. The existing automotive repair facility provides on-going job opportunities to mechanics and to trade-skilled workers.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN, WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

WESTERN SOMA AREA PLAN

LAND USE

OBJECTIVE 1.2

ENCOURAGE PRESERVATION OF EXISTING AND VIABLY APPROPRIATE NEW LAND USES IN LOCATIONS THAT PROVIDE THE GREATEST OPPORTUNITIES FOR SUCCESS AND MINIMIZE CONFLICT WITH RESIDENTIAL USES.

The amendment permits the preservation of the existing automotive repair use (DBA Royal Motors) by providing additional vehicle storage that will enhance the existing operational capacity. The proposed enhancements (see Case No. 2016-012474CUA), complement the existing automotive repair facility use and will better ensure the long-term viability of the facility at the site.

NEIGHBORHOOD ECONOMY

OBJECTIVE 2.1

RETAIN AND ENCOURAGE GROWTH OPPORTUNITIES FOR EXISTING BUSINESSES.

Policy 2.1.1

Promote a wide range of neighborhood-serving commercial uses north of Harrison Street.

The amendment promotes the retention and growth of the existing automotive repair business by legalizing the expansion of the site's capacity for vehicle service and storage while not disrupting any existing buildings, currently not permitted in the RED but conditionally permitted in the RED-MX. The existing use is one of the few remaining large-scale automotive repair facilities within the neighborhood. The amendment would allow the facility to legally continue servicing vehicles, storing them on-site, and continue washing vehicles as they are prepared for delivery either to showrooms or to their owners. The rezoning would thus permit Planning Code compliance.

URBAN DESIGN AND BUILT FORM

OBJECTIVE 5.1

REINFORCE THE DIVERSITY OF THE EXISTING BUILT FORM AND THE WAREHOUSE, INDUSTRIAL AND ALLEY CHARACTER.

Policy 2.1.1

Develop design standards that preserve the industrial character of the larger streets, the mixed industrial/residential character of the RED-Mixed areas, and the residential character of the REDs.

The proposed amendment would change the zoning from RED to RED-MX. Nevertheless, the architectural screen wall that is proposed per case no. 2016-012474CUA, is well-integrated with the existing architecture and compatible with the mixed-use, light-industrial character of the surrounding neighborhood context. The screen wall maintains a well-defined street wall with a color and height that matches the existing building while the three-dimensional form contributes to the visual diversity of the use. The materiality of the proposed screen wall is metal which is consistent

with many of the light-industrial buildings found in the surrounding neighborhood. The Project will improve the streetscape by providing a permeable landscape buffer between the proposed screen wall and the public right-of-way. Accent lighting will further soften and accentuate the landscaping and screen wall at night, which will better activate the street frontages and relate to the residential character also found within the surrounding neighborhood. Thus, the Urban Design objectives and policies would still apply to both RED to RED-MX.

OBJECTIVE 10.4

ENSURE A HIGH QUALITY OF LIFE FOR EXISTING AND NEW RESIDENTS AND WORKERS.

Policy 10.4.1

Significantly enhance pedestrian safety throughout Western SoMa.

The proposed amendment would permit the Project site to enhance pedestrian safety around the site by eliminating an existing 46-ft 6-in. curb cut along Kissling Street by expanding a vehicle storage facility in the RED-MX. Vehicular access to vehicle storage will be limited to one point along Kissling Street; instead of the current three access points. In addition, the Howard Street curb cut will continue to be used to access the existing car wash facility; thereby, reducing the amount of vehicles accessing the site.

IMPLEMENTATION

The Department has determined that this ordinance will not impact our current implementation procedures.

RECOMMENDATION

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution.

BASIS FOR RECOMMENDATION

The Residential Enclave-Mixed District (RED-MX) encompasses some of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the Western SoMa area. Many parcels in these residential enclaves are underdeveloped and represent opportunities for new residential and low-intensity commercial uses as well as some automobile-related and production, distribution, and repair uses. The proposed Zoning Map Amendment to San Francisco Map Sheet No. ZN07 that would rezone Block No. 3516 and Lot Nos. 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed) Zoning District would permit an existing industrial business that has occupied the site for over 40 years to remain and expand in its current location.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

ENVIRONMENTAL REVIEW

The Planning Department has determined the proposed Planning Code amendment is subject to a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section

15060(c)2 of the Guidelines for Implementation of the California Environmental Quality Act for activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment; and,

On March 2, 2016, the proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA State Guidelines 15311, or Class 11. On October 20, 2016 the Project Sponsor proposed a modification to the approved project. On August 8, 2017, in accordance with Chapter 31 of the Administrative Code, the Planning Department determined the modification of the CEQA exempt project did not constitute a substantial modification of the Project.

PUBLIC COMMENT

As of the date of this report, the Planning Department has one public comment regarding the proposed Ordinance. The Department has received correspondence from Marvis Phillips, Board Chair for District 6 Community Planners. Mr. Phillips explained that the District 6 Community Planners are in support of the “stackers” for the automotive repair facility. They are also in support of creating the RED-MX Zoning District. The aforementioned encourage the Planning Commission to support small businesses and approve the items.

ATTACHMENTS:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Maps and Context Photographs
- Exhibit C: Board of Supervisors File No. XXXXX
- Exhibit D: CEQA Categorical Exemption Determination
- Exhibit E: Public Correspondence
- Exhibit F: Planning Commission Resolution No. 20031 - Initiation



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: OCTOBER 25, 2018

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: **2016-012474MAP**
Project Address: **118-134 KISSLING STREET**
Zoning: RED (Residential Enclave) Zoning District
40-X Height and Bulk District
Block/Lot: 3516/039, 040, 041, and 042
Project Sponsor: John Kevlin
Reuben, Junius, & Rose
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Esmeralda Jardines – (415) 575-9144
esmeralda.jardines@sfgov.org

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED AMENDMENT THAT WOULD REZONE THE SUBJECT PROPERTY FROM RED (RESIDENTIAL ENCLAVE) TO RED-MX (RESIDENTIAL ENCLAVE-MIXED) ZONING DISTRICT AND ADOPTING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.

WHEREAS, on September 27, 2016, John Kevlin of Rueben, Junius & Rose, on behalf of Michael Hansen & Jo-Ann Hansen, Judith Long (Property Owner), filed an application with the San Francisco Planning Department for a Zoning Map Amendment, as detailed in Case Number 2016-012474MAP; and

WHEREAS, the Zoning Map Amendment would amend San Francisco Zoning Map Sheet No. ZN07 to rezone Block 3516, Lot Nos: 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed) Zoning District; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on October 19, 2017; and

WHEREAS, the Planning Department has determined the proposed Planning Code amendment is subject to a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)2 of the Guidelines for Implementation of the California Environmental Quality Act for activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment; and,

WHEREAS, on March 2, 2016, the proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA State Guidelines 15311, or Class 11. On October 20, 2016 the Project Sponsor proposed a modification to the approved project. On August 8, 2017, in accordance

with Chapter 31 of the Administrative Code, the Planning Department determined the modification of the CEQA exempt project did not constitute a substantial modification of the Project; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are *consistent* with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

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The proposed amendment would permit a PDR business to retain the existing automotive repair use (DBA Royal Motors) which occupies an approximately 62,000 sq. ft. site by allowing an expansion that would provide additional vehicle storage and service capacity to better ensure its long term viability at the subject site. The additional vehicle storage capacity will allow Royal Motors to deliver cars to dealerships and owners more rapidly than currently possible. Thus, an industrial business will be allowed to expand and remain in San Francisco. Currently, the RED (Residential Enclave) Zoning District does not permit an enclosed lot for vehile storage. However, this land use is conditionally permitted in the RED-MX (Residential Enclave-Mixed) Zoning District. Without the rezoning, this use would not be permitted and the existing industrial business would not be permitted to grow in capacity.

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Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

WESTERN SOMA AREA PLAN

LAND USE

OBJECTIVE 1.2

ENCOURAGE PRESERVATION OF EXISTING AND VIABLY APPROPRIATE NEW LAND USES IN LOCATIONS THAT PROVIDE THE GREATEST OPPORTUNITIES FOR SUCCESS AND MINIMIZE CONFLICT WITH RESIDENTIAL USES.

The amendment permits the preservation of the existing automotive repair use (DBA Royal Motors) by providing additional vehicle storage that will enhance the existing operational capacity. The proposed enhancements (see case no. 2016-012474CUA), complement the existing automotive repair facility use and will better ensure the long-term viability of the facility at the site.

NEIGHBORHOOD ECONOMY

OBJECTIVE 2.1

RETAIN AND ENCOURAGE GROWTH OPPORTUNITIES FOR EXISTING BUSINESSES.

Policy 2.1.1

Promote a wide range of neighborhood-serving commercial uses north of Harrison Street.

The amendment promotes the retention and growth of the existing automotive repair business by legalizing the expansion of the site's capacity for vehicle service and storage while not disrupting any existing buildings, currently not permitted in the RED but conditionally permitted in the RED-MX. The existing use is one of the few remaining large-scale automotive repair facilities within the neighborhood. The amendment would allow the facility to legally continue servicing vehicles, storing them on-site, and continue washing vehicles as they are prepared for delivery either to showrooms or to their owners. The rezoning would thus permit Planning Code compliance.

URBAN DESIGN AND BUILT FORM

OBJECTIVE 5.1

REINFORCE THE DIVERSITY OF THE EXISTING BUILT FORM AND THE WAREHOUSE, INDUSTRIAL AND ALLEY CHARACTER.

Policy 2.1.1

Develop design standards that preserve the industrial character of the larger streets, the mixed industrial/residential character of the RED-Mixed areas, and the residential character of the REDs.

The proposed amendment would change the zoning from RED to RED-MX. Nevertheless, the architectural screen wall that is proposed per case no. 2016-012474CUA, is well-integrated with the existing architecture and compatible with the mixed-use, light-industrial character of the surrounding neighborhood context. The screen wall maintains a well-defined street wall with a color and height that matches the existing building while the three-dimensional form contributes to the visual diversity of the use. The materiality of the proposed screen wall is metal which is consistent with many of the light-industrial buildings found in the surrounding neighborhood. The Project will improve the streetscape by providing a permeable landscape buffer between the proposed screen wall and the public right-of-way. Accent lighting will further soften and accentuate the landscaping and screen wall at night, which will better

activate the street frontages and relate to the residential character also found within the surrounding neighborhood. Thus, the Urban Design objectives and policies would still apply to both RED to RED-MX.

OBJECTIVE 10.4

ENSURE A HIGH QUALITY OF LIFE FOR EXISTING AND NEW RESIDENTS AND WORKERS.

Policy 10.4.1

Significantly enhance pedestrian safety throughout Western SoMa.

The proposed amendment would permit the Project site to enhance pedestrian safety around the site by eliminating an existing 46-ft 6-in. curb cut along Kissling Street by expanding a vehicle storage facility in the RED-MX. Vehicular access to vehicle storage will be limited to one point along Kissling Street; instead of the current three access points. In addition, the Howard Street curb cut will continue to be used to access the existing car wash facility; thereby, reducing the amount of vehicles accessing the site.

On balance, the Project is consistent with the Objectives and Policies of the General Plan.

2. **Planning Code Section 101.1(b)** establishes eight priority-planning policies. The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed amendment would not affect neighborhood-serving retail uses because the project site does not possess any. Thus, no existing neighborhood-serving uses would be displaced or otherwise adversely affected by the proposal.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed amendment would not affect existing housing and neighborhood character. Residential uses are permitted in both the RED and RED-MX. Thus, if the proposed vehicle storage stacker use were to change to residential, the aforementioned would still be permitted in a RED-MX.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed amendment would not affect supply of housing. Residential uses are permitted in both the RED and RED-MX; therefore, inclusionary housing would be required in both zoning districts accordingly. Thus, if the proposed vehicle storage stacker use were to change to residential, the aforementioned would still be required pursuant to Planning Code Section 415 in a RED-MX.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed amendment would not impede MUNI transit service or adversely impact street circulation or parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The amendment would permit an existing PDR use to expand and remain in San Francisco; thus, bolstering the industrial sector, which is a priority for the City. The Project incorporates an expanded PDR use which assists in further diversifying the neighborhood character and the RED-MX Zoning District.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

While the proposed amendment would not modify any physical parameters of the Planning Code or other Codes, the proposal could improve the effectiveness of an existing PDR business facilities as it pursues upgrades to its site. Therefore, the proposed amendment would promote the greatest possible preparedness to protect against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed amendment would not impact any City Landmarks or historic buildings. The Department finds that the amendment is consistent with the historic industrial character of the surrounding eligible historic district (Western SoMa Light Industrial and Residential Historic District).

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed amendment would not adversely affect any nearby open space.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance with the modification to increase the administrative penalty fee as assessed by the Zoning Administrator per amended Planning Code Section 176 from up to \$200.00 a day to up to \$250.00 a day.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 25, 2018.

Jonas P. Ionin
Commission Secretary

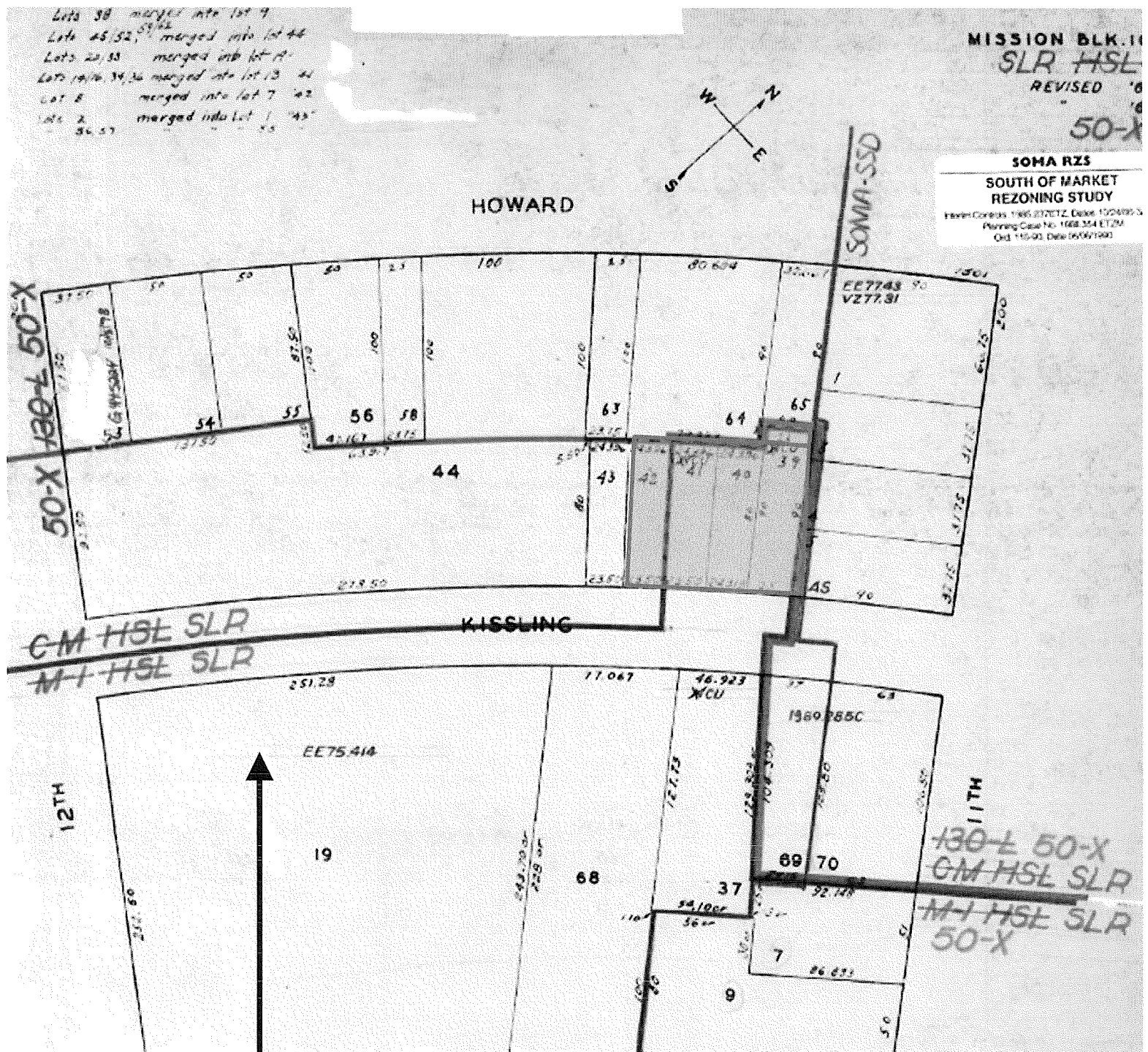
AYES:

NOES:

ABSENT:

ADOPTED: October 25, 2018

Parcel Map

**SUBJECT PROPERTY**

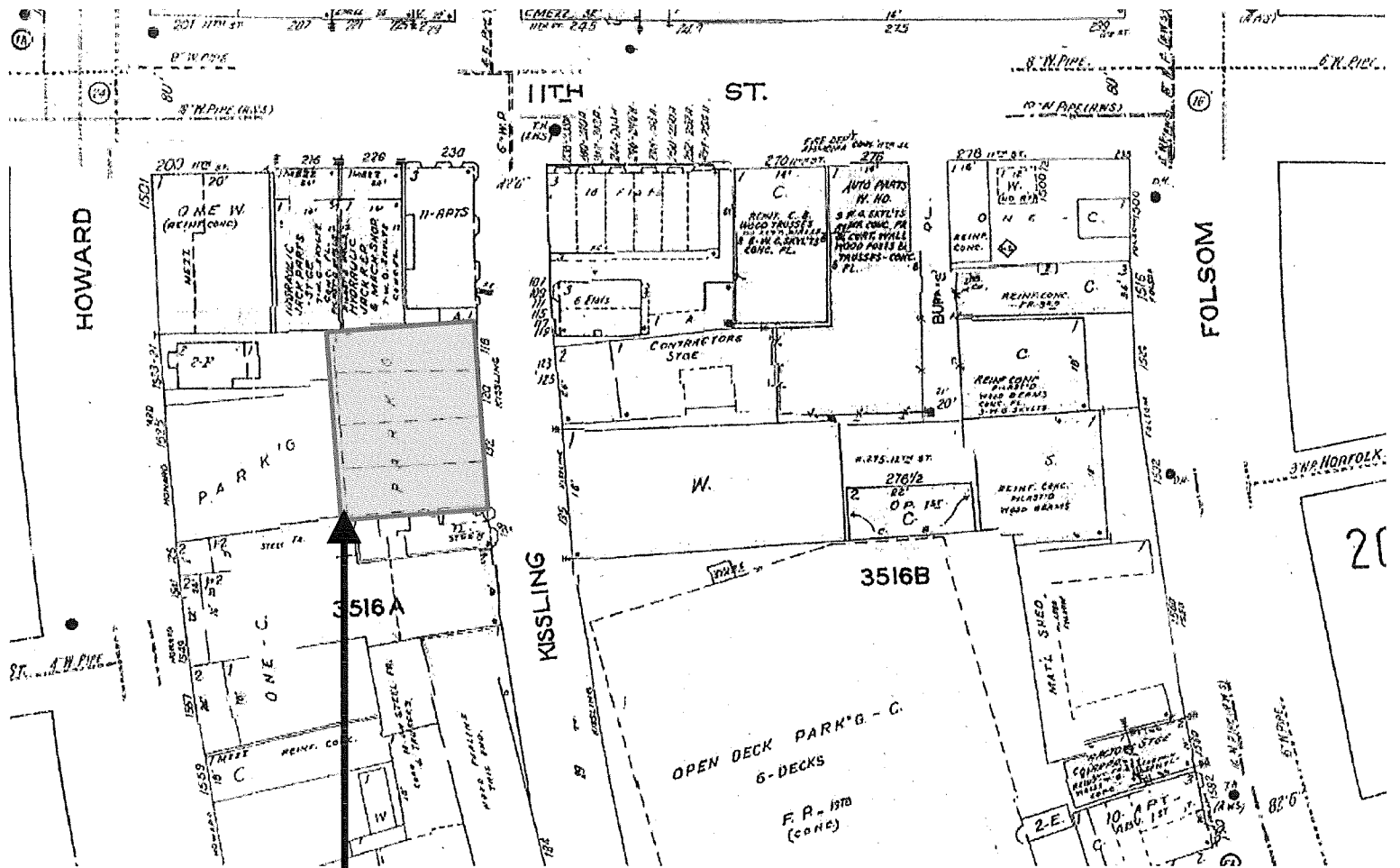
**SAN FRANCISCO
PLANNING DEPARTMENT**

Conditional Use Authorization

Case No. 2016-012474MAP

118-134 Kissling Street

Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

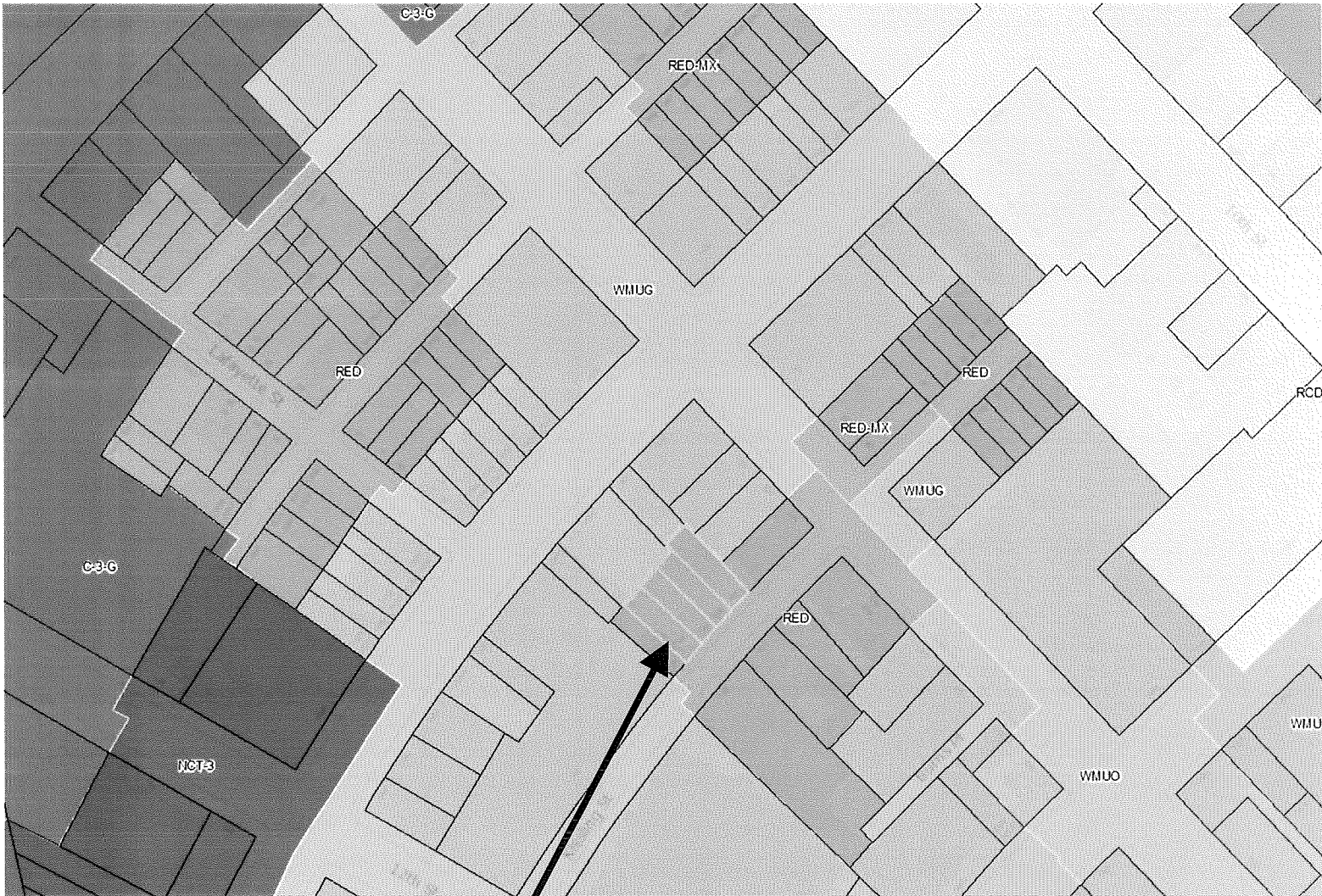
SUBJECT PROPERTY



SAN FRANCISCO
PLANNING DEPARTMENT

Conditional Use Authorization
Case No. 2016-012474MAP
118-134 Kissling Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
Case No. 2016-012474MAP
118-134 Kissling Street

Height & Bulk Map

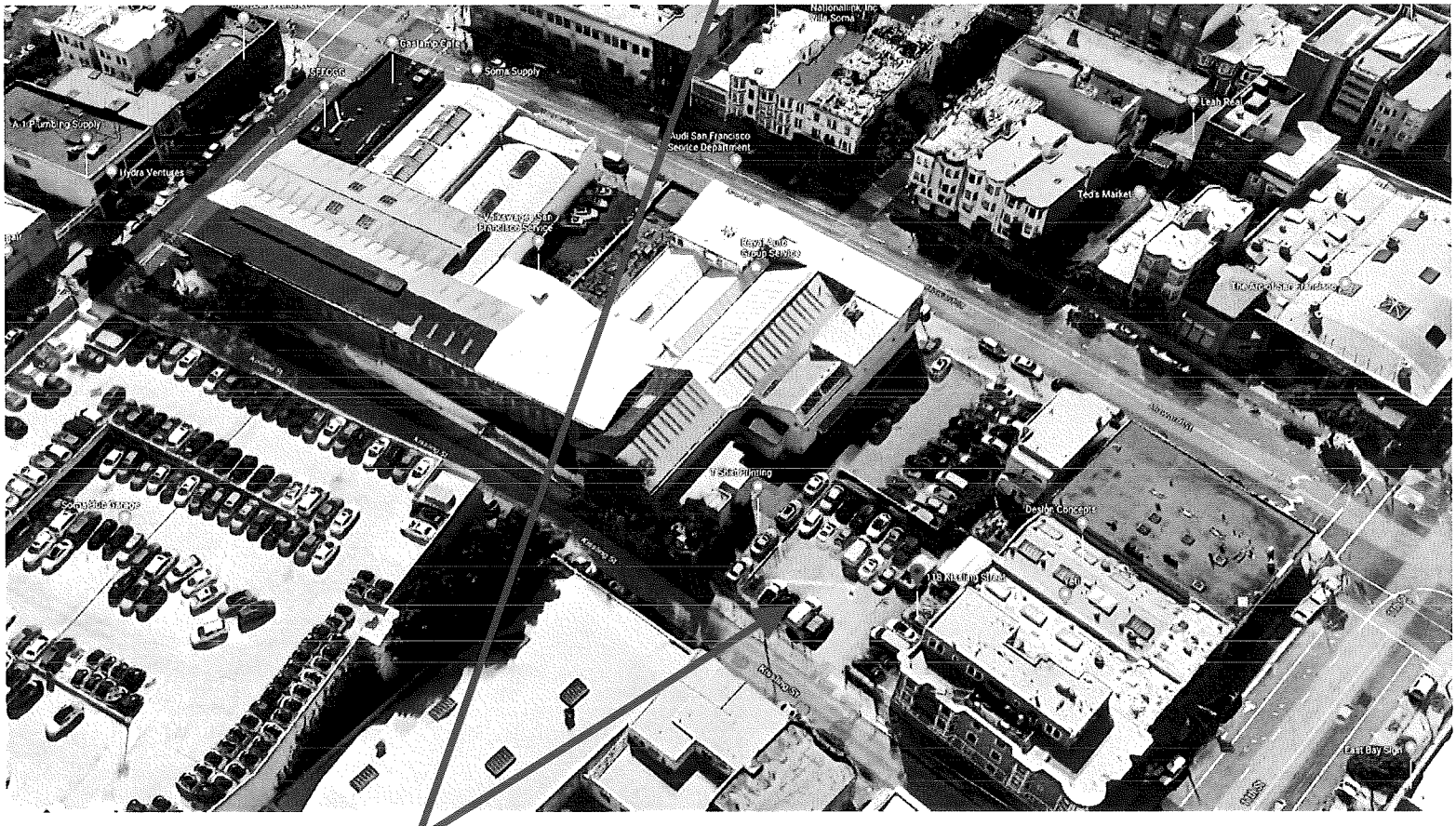
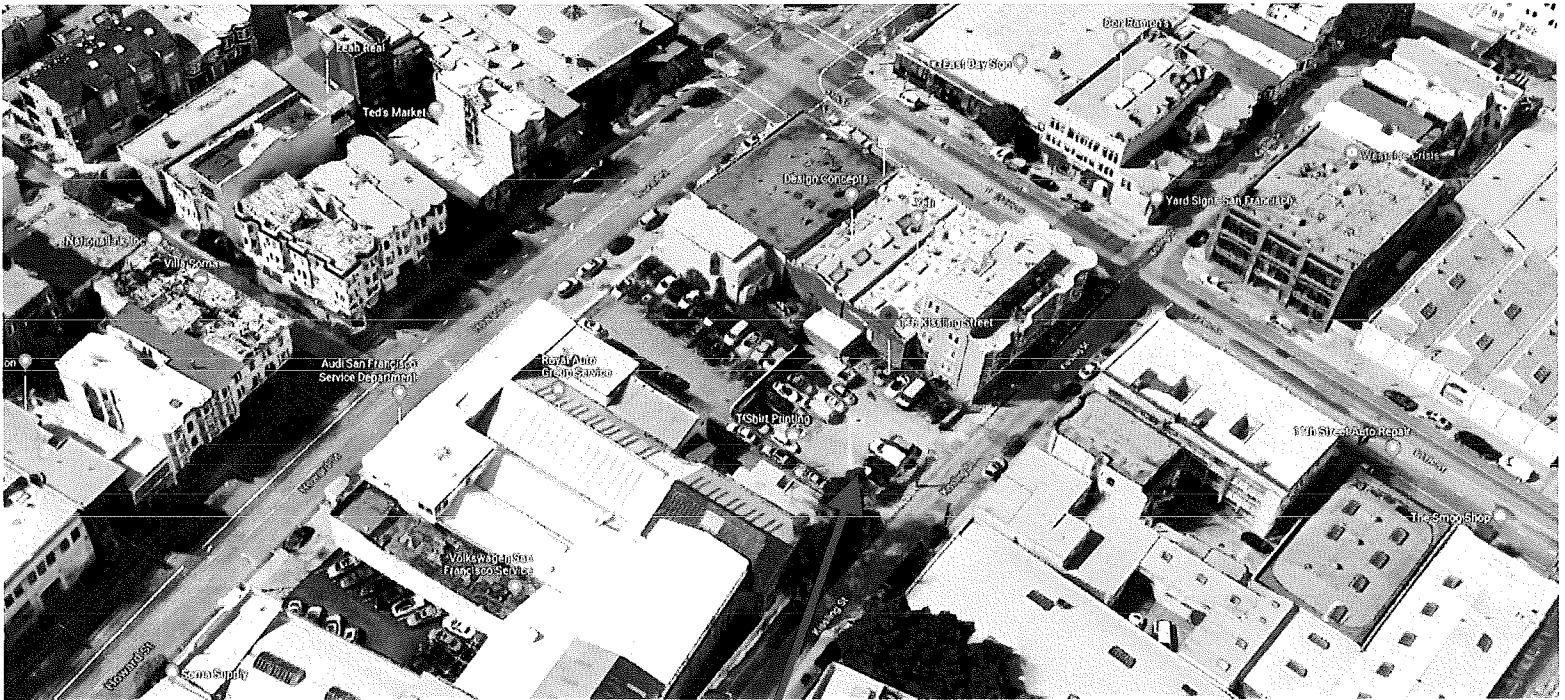


SUBJECT PROPERTY



Conditional Use Authorization
Case No. 2016-012474MAP
118-134 Kissling Street

Aerial Photographs of 118-134 Kissling Street



PROJECT SITE

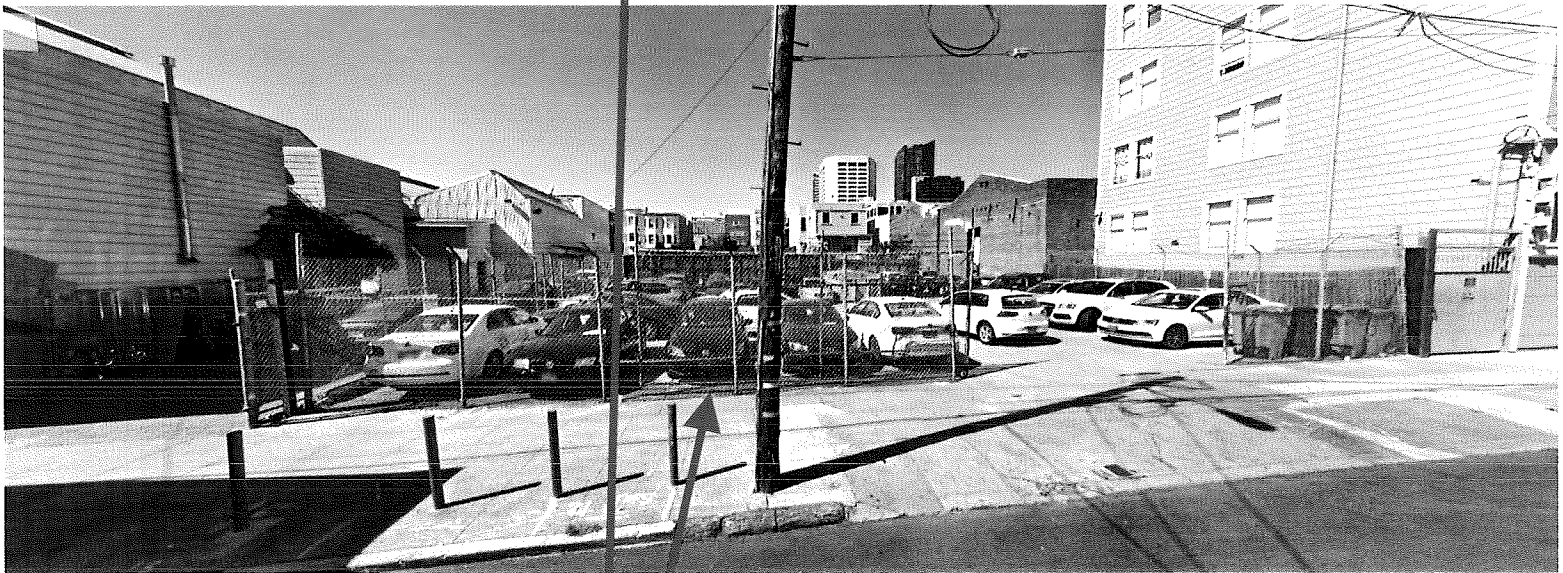
**SAN FRANCISCO
PLANNING DEPARTMENT**

Conditional Use Authorization

Case No. 2016-012474MAP

118-134 Kissling Street

Site Photographs of 118-134 Kissling Street



PROJECT SITE

**SAN FRANCISCO
PLANNING DEPARTMENT**

Conditional Use Authorization
Case No. 2016-012474MAP
118-134 Kissling Street

Ordinance Amending the Planning Code by revising Zoning Map Sheet No. ZN07

[Zoning Map – Rezoning of 118-134 Kissling Street]

Ordinance amending the Planning Code by revising Zoning Map Sheet No. ZN07 to rezone Assessor's Block No. 3516, Lot Nos. 039, 040, 041, & 042 (118-134 Kissling Street) from Residential Enclave District to Residential Enclave District – Mixed; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) Pursuant to Planning Code Section 302, this Board finds that the actions contemplated in this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. ____ and the Board

1 incorporates such reasons herein by reference. A copy of the Planning Commission
2 Resolution No. ____ is on file with the Clerk of the Board of Supervisors in File No. ____.

3 (c) This Board finds that the actions contemplated in this ordinance are consistent
4 with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the
5 reasons set forth in Planning Commission Resolution No. ____ and the Board hereby
6 incorporates such reasons herein by reference.

7
8 Section 2. The Planning Code is hereby amended by revising Sheet ZN07 of the Zoning
9 Map of the City and County of San Francisco, as follows:

| | <u>Use District</u> | <u>Use District</u> |
|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------|
| <u>Description of Property</u> | <u>to be Superseded</u> | <u>Hereby Approved</u> |
| 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Block 3516, Lots 039, 040, 041, & 042 | RED | RED-MX |

Section 3. Effective Date. This ordinance shall become effective 30 days after
enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:


KATE H. STACY
Deputy City Attorney

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Environmental Determination:CEQA Categorical Exemption



SAN FRANCISCO PLANNING DEPARTMENT

R.C.L.
BOARD OF SUPERVISORS
SAN FRANCISCO

2018 NOV 26 PM 3:24

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------|
| Project Address | | Block/Lot(s) | |
| 1531-1581 Howard Street/118-134 Kissling Street | | 3516/56, 3516/64, 3516/39, 3516/40, 3516/41, 3516/42 | |
| Case No. | Permit No. | Plans Dated | |
| 2015-000332ENV | | 1/15/16 | |
| <input checked="" type="checkbox"/> Addition/ Alteration | <input type="checkbox"/> Demolition (requires HRER if over 45 years old) | <input type="checkbox"/> New Construction | <input type="checkbox"/> Project Modification (GO TO STEP 7) |
| <p>Project description for Planning Department approval.</p> <p>Reconfigure an existing motor vehicle repair operation by converting approximately 9,691 square feet of existing surface vehicle storage on Lots 56 and 64 to four-level parking stackers and construction of an approximately 1,283-gross-square-foot (gsf) car wash on Lot 64. Installation of approximately 21'-8"-tall metal screening on portions of the Kissling Street frontage approximately 32'-7"-tall metal screens on portions of the Howard Street frontage. Parking stackers would provide space for approximately 158 cars. Parking storage and car wash facilities would not be open to the public. Reduction of existing 42-foot-wide curb cut on Howard Street to approximately 29 feet wide and removal a 46.5-foot-wide curb cut on Kissling Street.</p> | | | |

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

| | |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required. | |
| <input type="checkbox"/> | Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft. |
| <input type="checkbox"/> | Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU. |
| <input checked="" type="checkbox"/> | Class ¹¹ Accessory Structures: Class 11 consists of construction, or replacement of minor minor structures necessary to (appurtenant to) existing commercial, industrial, or institutional facilities. |

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

| | |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If any box is checked below, an <i>Environmental Evaluation Application</i> is required. | |
| <input type="checkbox"/> | Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i> |
| <input checked="" type="checkbox"/> | Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i> |
| <input type="checkbox"/> | Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities? |
| <input type="checkbox"/> | Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area) |
| <input checked="" type="checkbox"/> | Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area) |
| <input type="checkbox"/> | Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) |
| <input type="checkbox"/> | Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required. |
| <input type="checkbox"/> | Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required. |
| <input type="checkbox"/> | Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required. |
| If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner. | |
| <input checked="" type="checkbox"/> | Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above. |
| Comments and Planner Signature (optional): Project sponsor enrolled in the Maher Program with the Department of Public Health on 2/5/2015. The project sponsor submitted a noise report on 3/2/2016 confirming that the proposed project would be able to achieve compliance with San Francisco Noise Ordinance. The Planning Department determined that the proposed project would not require a transportation study. | |

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

| | |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map) | |
| <input checked="" type="checkbox"/> | Category A: Known Historical Resource. GO TO STEP 5. |
| <input type="checkbox"/> | Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. |
| <input type="checkbox"/> | Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6. |

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

| | |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Change of use and new construction. Tenant improvements not included. |
| <input type="checkbox"/> | 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. |
| <input type="checkbox"/> | 3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations. |
| <input type="checkbox"/> | 4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. |
| <input type="checkbox"/> | 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. |
| <input type="checkbox"/> | 7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> . |
| <input type="checkbox"/> | 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features. |
| Note: Project Planner must check box below before proceeding. | |
| <input checked="" type="checkbox"/> | Project is not listed. GO TO STEP 5. |
| <input type="checkbox"/> | Project does not conform to the scopes of work. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves four or more work descriptions. GO TO STEP 5. |
| <input type="checkbox"/> | Project involves less than four work descriptions. GO TO STEP 6. |

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

| | |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Check all that apply to the project. | |
| <input type="checkbox"/> | 1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4. |
| <input type="checkbox"/> | 2. Interior alterations to publicly accessible spaces. |
| <input type="checkbox"/> | 3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character. |
| <input type="checkbox"/> | 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 5. Raising the building in a manner that does not remove, alter, or obscure character-defining features. |
| <input type="checkbox"/> | 6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings. |
| <input type="checkbox"/> | 7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> . |

| | |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | 8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments): |
| <input checked="" type="checkbox"/> | 9. Other work that would not materially impair a historic district (specify or add comments): See PTR form for 2015-000332ENV, signed by T. Tam 05/18/15. (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____ |
| <input type="checkbox"/> | 10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify): |
| Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below. | |
| <input type="checkbox"/> | Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6. |
| <input checked="" type="checkbox"/> | Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6. |
| Comments (optional): | |
| Preservation Planner Signature: | |

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

| | | |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <input type="checkbox"/> | Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>. | |
| <input checked="" type="checkbox"/> | No further environmental review is required. The project is categorically exempt under CEQA. | |
| | Planner Name: Jenny Delumo Project Approval Action: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project. | Signature: |
| | Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. | |

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT**TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------|
| Project Address (If different than front page) | | Block/Lot(s) (If different than front page) |
| 118-134 Kissling Street | | 3516/39,40,41,42 |
| Case No. | Previous Building Permit No. | New Building Permit No. |
| 2016-012474ENV | 20170224008 | |
| Plans Dated | Previous Approval Action | New Approval Action |
| | Conditional Use Authorization | Conditional Use Authorization |
| Modified Project Description: <small>Reconfigure an existing motor vehicle repair operation by converting approximately 9,691 square feet of existing surface vehicle storage on Lots 56 and 64 to four-level parking stackers, converting 8,069 square feet of existing surface vehicle storage on Lots 39, 40, 41, and 42 to four-level parking stackers, and construction of an approximately 1,283-gross-square-foot car wash on Lot 64. Installation of approximately 31'-8"-tall metal screening on portions of the Kissling Street frontage approximately 32'-7"-tall metal screens on portions of the Howard Street frontage. The proposed stackers would accommodate approximately 200 net new vehicles. Parking storage and car wash facilities would not be open to the public. Reduction of existing 42-foot-wide curb cut on Howard Street to approximately 29 feet wide and removal a 46.5-foot-wide curb cut on Kissling Street. The project</small> | | |

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

| | |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compared to the approved project, would the modified project: | |
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required **CATEX FORM**

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | The proposed modification would not result in any of the above changes. |
| If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. | |
| Planner Name: | Signature or Stamp: |
| Jenny Delumo | |

Public Comment

Jardines, Esmeralda (CPC)

From: Marvis Phillips <marvisphillips@gmail.com>
Sent: Friday, October 12, 2018 1:11 AM
To: Jardines, Esmeralda (CPC)
Cc: JKevlin
Subject: 2016-012474CUA/MAP

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Esmeralda,

The District 6 Community Planners is in support of the "Stackers" for the automotive repair facility, at 118-134 Kissling Street in the Western SOMA SUD/RED (proposed RED-MX) District. We are also in support of creating the RED-MX District. We need to support our small businesses because they are the largest employer in San Francisco, and the backbone of our communities. This is a fine example of what is good about the city, this area, and this industry. We encouraged the Planning Commission to support small businesses and pass these issues.

Sincerely,

Marvis J. Phillips
Board Chair
District 6 Community Planners

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Marvis J. Phillips
Board Chair
District 6 Community Planners



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20031 Initiation of Zoning Map Amendment HEARING DATE: OCTOBER 19, 2017

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San Francisco,
CA 94103-2479

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Project Name: 118-134 Kissling Street
Case Number: 2016-012474MAP
Initiated by: John Kevlin, Reuben, Junius & Rose
One Bush Street, Ste. 600
San Francisco, CA 94104
Staff Contact: Esmeralda Jardines, Planner
esmeralda.jardines@sfgov.org, 415-575-9144

INITIATING ZONING MAP AMENDMENT TO SAN FRANCISCO ZONING MAP SHEET NO. ZN07 TO REZONE BLOCK NO. 3516 AND LOT NOS. 039 (118-120 KISSLING STREET), 040 (124 KISSLING STREET), 041 (130 KISSLING STREET), AND 042 (134 KISSLING STREET) FROM RED (RESIDENTIAL ENCLAVE) TO RED-MX (RESIDENTIAL ENCLAVE-MIXED) ZONING DISTRICT.

PREAMBLE

WHEREAS, on September 27, 2016, John Kevlin of Rueben, Junius & Rose, on behalf of Michael Hansen & Jo-Ann Hansen, Judith Long (Property Owner), filed an application with the San Francisco Planning Department for a Zoning Map Amendment, as detailed in Case Number 2016-012474MAP; and

WHEREAS, the Zoning Map Amendment would amend San Francisco Zoning Map Sheet No. ZN07 to rezone Block 3516, Lot Nos: 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed) Zoning District; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on October 19, 2017; and

WHEREAS, on March 2, 2016, the proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA State Guidelines 15311, or Class 11. On October 20, 2016 the Project Sponsor proposed a modification to the approved project. On August 8, 2017, in accordance with Chapter 31 of the Administrative Code, the Planning Department determined the modification of the CEQA exempt project did not constitute a substantial modification of the Project; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

MOVED, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution of Intent to Initiate amendments to the Planning Code.

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Zoning Map Amendment contained in the Case No. 2016-012474MAP, approved as to form by the City Attorney in **Exhibit A**, to be considered at a publicly noticed hearing on or after November 8, 2017.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on October 19, 2017.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Johnson, Koppel, Melgar, and Richards

NOES: None

ABSENT: Hillis, Moore

ADOPTED: October 19, 2017

**LAW OFFICE OF STEPHEN M. WILLIAMS
ATTORNEY/CLIENT TRUST ACCOUNT**

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SAN FRANCISCO, CA 94115
PH: (415) 292-3656

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CEQA Appeal 118-134/Kissly

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