

File No. 200757

Committee Item No. _____

Board Item No. 67

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 15, 2020

Cmte Board

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- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: September 11, 2020

Prepared by: _____

Date: _____

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 66 Mountain
2 Spring Avenue]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 66 Mountain Spring Avenue is**
5 **categorically exempt from further environmental review.**

6
7 WHEREAS, On February 12, 2019, the Planning Department issued a CEQA
8 Categorical Exemption Determination for the proposed project located at 66 Mountain Spring
9 Avenue ("Project") under the California Environmental Quality Act ("CEQA"), the CEQA
10 Guidelines, and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The approximately 5,000-square-foot project site is located in the Twin
12 Peaks neighborhood on Assessor's Parcel Block No. 2706, Lot No. 025, and is bound by
13 Clarendon Avenue to the north, Twin Peaks Boulevard to the east, Mountain Spring Avenue
14 to the south and the Stanyan Street right-of-way to the west; the surrounding area is
15 characterized by a mix of single-family homes that are typically two to four stories tall and
16 many contain garage parking on the ground level; there are also a variety of parks and
17 recreational resources nearby including: Twin Peaks Park, Mt. Sutro Open Space Reserve,
18 Interior Greenbelt, Tank Hill, and more; and

19 WHEREAS, The subject site is currently occupied by an approximately 15-foot-tall,
20 two-story, 4,459-square-foot single-family home constructed in 1947 that has been
21 determined not to be a historic resource; the home contains four bedrooms and 303 square
22 feet of garage parking; he site is located within a landslide zone and contains slopes of 25%
23 or greater; and

24 WHEREAS, The Project consists of the demolition of the existing two-story, single-
25 family home and the construction of an approximately 22-foot-tall, three-story, 5,405-square-

1 foot single-family home with an attached two-car garage; the building would be set back 15
2 feet from the front lot line and the main entrance as well as the garage would both be
3 accessed from the street level; the proposed structure would contain four bedrooms with a
4 home office that could optionally be used as a fifth bedroom; 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 February 12, 2019, finding that the Project is
8 exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical
9 exemption (Existing Facilities), and that no further environmental review was required; and

10 WHEREAS, On February 20, 2020, the Planning Commission took discretionary review
11 over the building permit and approved it with modifications at a public hearing, which
12 constituted the approval action for the Project under CEQA; and

13 WHEREAS, On March 23, 2020, Gloria Smith, on behalf of Margaret Niver, Ronald
14 Niver, and Rosemarie MacGuinness (collectively referred to as Appellant) filed an appeal of the
15 categorical exemption determination; and

16 WHEREAS, By memorandum to the Clerk of the Board dated July 13, 2020, the
17 Planning Department's Environmental Review Officer determined that the appeal was timely
18 filed; and

19 WHEREAS, On September 15, 2020, this Board held a duly noticed public hearing to
20 consider the appeal of the exemption determination filed by Appellant; and

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

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. 200754, and
10 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

11 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
12 findings specifying the basis for its decision on the appeal of the exemption determination
13 issued by the Planning Department for the Project.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only