

File No. 201076

Committee Item No. _____

Board Item No. 119

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 22, 2020

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OTHER

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Prepared by: Lisa Lew

Date: September 18, 2020

Prepared by: _____

Date: _____

1 [Findings Reversing the Categorical Exemption Determination - 2651-2653 Octavia Street]

2
3 **Motion adopting findings to reverse the determination by the Planning Department that**
4 **the proposed project at 2651-2653 Octavia Street is categorically exempt from further**
5 **environmental review.**

6
7 WHEREAS, On September 5, 2019, the Planning Department issued a CEQA
8 Categorical Exemption Determination for the proposed project located at 2651-2653 Octavia
9 Street ("Project") under the California Environmental Quality Act (Public Resources Code,
10 Section 21,000 et seq., "CEQA"), the CEQA Guidelines (California Code of Regulations,
11 Title 14, Section 15,000 et seq.), and San Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The project site is located on the block bounded by Green Street to the
13 north, Octavia Street to the east, Vallejo Street to the south, and Laguna Street to the west, in
14 the Pacific Heights neighborhood; and

15 WHEREAS, The approximately 3,100-square-foot project site is within the Residential,
16 House, Two-Family (RH-2) Zoning District and a 40-X Height and Bulk District; and the project
17 site is currently occupied by a two-family residence; and

18 WHEREAS, The Project includes the construction of a fourth-floor-level vertical and
19 horizontal addition to an existing 37-foot-tall (inclusive of a 7-foot-tall mansard roof), three-
20 story, 4,151-gross-square-foot two-family residence constructed in 1950, resulting in a 40-
21 foot-tall (exclusive of a 3.5-foot-tall parapet and clear glass guardrail on the roof deck), four-
22 story, 6,512-gross-square-foot two family residence; and

23 WHEREAS, The project construction would involve localized excavation for new
24 foundation and possible excavation to replace existing foundations in kind, resulting in a total
25 of approximately 15 to 30 cubic yards of soil excavated, at an average depth of 1.5 feet; and

1 WHEREAS, The Planning Department issued a categorical exemption for the Project
2 on September 5, 2019, finding that the proposed project is exempt from CEQA under Section
3 15301 of the CEQA Guidelines, also known as a Class 1 Categorical Exemption (applicable to
4 the alteration and addition to an existing structure) and that no further environmental review
5 was required; and

6 WHEREAS, On February 6, 2020, the Planning Commission passed Discretionary
7 Review Action DRA-683 denying a discretionary review request at a public hearing (Planning
8 Department Case No. 2018-011022DRP), which constituted the approval action for the project
9 under CEQA; and

10 WHEREAS, On March 6, 2020, Maureen Holt, Elizabeth Reilly, Paul Guermonprez,
11 and Jack Fowler (collectively, “Appellants”) filed an appeal of the September 5, 2019
12 categorical exemption to the board; and

13 WHEREAS, By memorandum to the Clerk of the Board dated March 12, 2020, the
14 Planning Department’s Environmental Review Officer determined that the appeal was timely
15 filed; and

16 WHEREAS, On July 28, 2020, this Board held a duly noticed public hearing to consider
17 the appeal of the exemption determination filed by Appellants; and

18 WHEREAS, The Board heard extensive testimony regarding the potential impacts of
19 the Project on the adjacent Golden Gate Valley Branch of the San Francisco Public Library, a
20 property listed as a Category A building (Known Historic Resource) in the Planning
21 Department’s Property Information Map; and

22 WHEREAS, The Golden Gate Valley Branch is one of seven branches of the San
23 Francisco Public Library that were built in the early 20th century with funds from Andrew
24 Carnegie; and

25

1 WHEREAS, When the San Francisco Public Library undertook its Branch
2 Modernization Program, it committed to formally seek designation under Article 10 of the
3 Planning Code of each of the seven Carnegie branch libraries existing in San Francisco once
4 rehabilitation had been completed; and

5 WHEREAS, Today, six of the seven Carnegie branch libraries have been landmarked
6 under Article 10, including the Mission, Chinatown, Sunset, Presidio, Richmond, and Noe
7 Valley branches, and in each of these landmark designations, the spatial volume of the main
8 reading room was identified as a significant character-defining feature of the building; and

9 WHEREAS, The landmark designation for the Golden Gate Valley Branch Library has
10 been submitted to the Planning Department and is therefore pending, but it is possible that the
11 library's main reading room will be found to be a significant feature, as in the case of the other
12 Carnegie branch libraries; and

13 WHEREAS, Evidence and testimony presented at the hearing show that the Planning
14 Department failed to document that it analyzed the potential impacts of the Project on the
15 lighting inside the main reading room of the adjacent historic Golden Gate Valley Branch
16 Library prior to issuing the Categorical Exemption Determination for the Project; and

17 WHEREAS, Under Section 21084 of CEQA and Sections 15064.5 and 15300.2 of the
18 CEQA Guidelines, a categorical exemption cannot be relied upon to approve a project that
19 may have an impact on a historic resource; 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, in Motion M20-093, the
2 Board of Supervisors unanimously reversed the determination that the Project is categorically
3 exempt, subject to the adoption of written findings of the Board in support of such
4 determination based on the written record before the Board of Supervisors as well as all of the
5 testimony at the public hearing in support of and opposed to 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. 200284, 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 reverses the determination by the Planning
12 Department that the Project is categorically exempt, as the Planning Department did not
13 document that it analyzed the potential impacts of the Project on the character-defining
14 features of the adjacent Golden Gate Valley Branch Library, a Category A Known Historic
15 Resource, prior to issuing the Categorical Exemption Determination; and, be it

16 FURTHER MOVED, That the Board directs the Planning Department to analyze the
17 potential historic resource impacts of the Project on the character-defining features of the
18 adjacent Golden Gate Valley Branch Library - specifically, to consider whether the potential
19 impacts of the Project on the lighting inside the library's main reading room would significantly
20 impact those character defining features; and, be it

21 FURTHER MOVED, That as to all other issues, the Board finds the Categorical
22 Exemption Determination conforms to the requirements of CEQA and is adequate, accurate,
23 and objective, the record does not include substantial evidence to support a fair argument that
24 the project may have a significant effect on the environment, and no further analysis is
25 required.

Introduction Form

By a Member of the Board of Supervisors or the 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 inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach 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 a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: