

File No. 200139

Committee Item No. _____

Board Item No. 89

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 22, 2020

Cmte Board

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OTHER

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Prepared by: Jocelyn Wong

Date: September 18, 2020

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Final Mitigated Negative Declaration - Proposed Project at 2417
2 Green Street]

2

3 **Motion conditionally reversing the Final Mitigated Negative Declaration prepared by the**
4 **Planning Department under the California Environmental Quality Act for the proposed**
5 **project located at 2417 Green Street, subject to the adoption of written findings of the**
6 **Board in support of this determination.**

7

8 WHEREAS, On May 16, 2017, the Planning Department determined that the proposed
9 project at 2417 Green Street (“Project”) is exempt from environmental pursuant to Title 14 of
10 the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3,
11 Sections 15300-15387), Class 1 of the CEQA Guidelines (14 Cal. Code Reg. Section 15301),
12 which provides an exemption for minor alterations to existing facilities including demolition of
13 up to three single-family residences in urban areas; and

14 WHEREAS, On November 22, 2017, an appeal of the categorical exemption was filed
15 by Richard Drury and Rebecca Davis of Lozeau Drury LLP on behalf of Philip Kaufman
16 (“Appellant”); and

17 WHEREAS, On January 9, 2017, this Board held a duly noticed public hearing to
18 consider the appeal of the exemption determination filed by Appellant and, following the public
19 hearing, the Board of Supervisors conditionally reversed the exemption determination for the
20 Project subject to the adoption of written findings of the Board in support of such
21 determination based on the written record before the Board of Supervisors as well as all of the
22 testimony at the public hearing in support of and opposed to the appeal; and

23 WHEREAS, In Motion No. M18-012, the Board found based on evidence in the record
24 before it that the Project is not categorically exempt from review under CEQA; and

25

1 WHEREAS, A Preliminary Mitigated Negative Declaration (“PMND”) for the proposed
2 project located at 2417 Green Street (“Project”) was published on June 26, 2019; and

3 WHEREAS, The project site is a rectangular-shaped lot located on the south side of
4 Green Street in the Pacific Heights neighborhood, and is developed with a four-story-over-
5 garage, single-family dwelling constructed circa 1908; the lot is approximately 25 feet wide,
6 100 feet deep and 2,500 square feet in size; the lot slopes steeply upward from the street
7 such that the garage level and approximately half of the first floor are below existing grade at
8 the rear of the building; and

9 WHEREAS, The Project, as initially submitted in April 2017, proposed to construct one-
10 and three-story horizontal rear additions, 3rd and 4th floor vertical additions, and to lower all
11 floor plates within the existing single family dwelling by approximately 2 feet; the floor area
12 would increase from approximately 4,118 square feet to approximately 5,115 square feet; the
13 project also proposed alterations to the front façade, interior modifications including the
14 expansion of the existing basement level garage to accommodate another off street parking
15 space, and the partial excavation and terracing of the rear yard; since the October 23, 2017,
16 neighborhood notification and subsequent filings of three requests for Discretionary Review,
17 the project sponsor has revised the project by proposing to include a one-bedroom accessory
18 dwelling unit (ADU) occupying the entire first floor of the project, which measures
19 approximately 1,023 square feet; the revised project also proposes changes to the alterations
20 to the front façade, including smaller window openings, wood windows instead of aluminum
21 clad windows and dark painted trim; no changes have been made to the originally-proposed
22 massing of the building; Planning Department staff reviewed the demolition calculation
23 statistics and determined that the revised project is not considered to be tantamount to
24 demolition, per Section 317 of the Planning Code; the revised project is not seeking any
25 variances or modifications to the requirements of the Planning Code; and

1 WHEREAS, On January 9, 2020, the Planning Commission held a public hearing, and
2 affirmed the Environmental Review Officer's decision to issue the PMND pursuant to the
3 California Environmental Quality Act, Public Resources Code, Sections 21000 et seq.
4 (“CEQA”), the CEQA Guidelines, 14 Cal. Code of Reg., Sections 15000 et seq., and Chapter
5 31 of the San Francisco Administrative Code, finding that the Project could not have a
6 significant impact on the environment, and issued the Final Mitigated Negative Declaration
7 (“FMND”); and

8 WHEREAS, On July 16, 2020, the Planning Commission held a public hearing on the
9 Project, took Discretionary Review and approved the Project with revisions; and

10 WHEREAS, On February 5, 2020, and again on August 7, 2020, Richard Drury of
11 Lozeau Drury LLP, on behalf of Phillip Kaufman (“Appellant”) filed letters appealing the
12 FMND; and

13 WHEREAS, The Planning Department's Environmental Review Officer, by memoranda
14 to the Clerk of the Board dated August 12, 24 and September 3, 2020, determined that the
15 February 5, 2020 appeal was unripe, and the August 7, 2020 appeal had been timely filed;
16 and

17 WHEREAS, On September 22, 2020, this Board held a duly noticed public hearing to
18 consider the appeal of the FMND filed by Appellant; and

19 WHEREAS, In reviewing the appeal of the FMND, the Board reviewed and considered
20 the environmental determination, the appeal letter, the responses to the appeal documents
21 that the Planning Department and the project sponsor prepared, the other written records
22 before the Board of Supervisors and all of the public testimony made in support of and
23 opposed to the appeal; and

24 WHEREAS, The written record and oral testimony in support of and opposed to the
25 appeal and deliberation of the oral and written testimony at the public hearing before the

1 Board by all parties and the public in support of and opposed to the appeal of the FMND is in
2 the Clerk of the Board of Supervisors File No. 200137 and is incorporated in this motion as
3 though set forth in its entirety; now, therefore, be it

4 MOVED, That this Board of Supervisors conditionally reverses the Planning
5 Department's preparation of the FMND, subject to the adoption of written findings of the Board
6 in support of this determination.

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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