

1 [Affirming the Categorical Exemption Determination - 2831-2833 Pierce Street]

2

3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 2831-2833 Pierce Street is categorically exempt from further environmental**
5 **review.**

6

7 WHEREAS, On May 10, 2018, the Planning Department issued a CEQA Categorical
8 Exemption Determination for the proposed project ("Project") under the California
9 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative
10 Code, Chapter 31; and

11 WHEREAS, The proposed Project involves interior and exterior alterations to the
12 existing building on the Project site, including a horizontal and vertical addition; the proposed
13 addition would add approximately 3,002 square feet to the existing building, increasing the
14 square footage from 4,393 square feet to 7,395 square feet, adding a fourth floor, resulting in
15 a building with three stories over a garage, and increasing the height from approximately 31
16 feet to approximately 40 feet in height; and

17 WHEREAS, The Project would expand the square footage of both of the two existing
18 dwelling units and include façade alterations to add new windows and new façade materials;
19 no additional parking is proposed; and

20 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
21 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
22 issued a categorical exemption for the Project on May 10, 2018, finding that the Project is
23 exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical
24 exemption (Interior and Exterior Alterations; Additions under 10,000 sq. ft.); and

25

1 WHEREAS, Between August 3, 2018, and August 22, 2018, four requests for the
2 Planning Commission to exercise discretionary review on the proposed project’s entitlement
3 (approval of the building permit) were filed by neighbors; and

4 WHEREAS, On December 13, 2018, the four discretionary review requests were heard
5 at the Planning Commission; information was presented at the hearing that the project
6 sponsor had reached agreement with three of the four discretionary review requestors
7 regarding design modifications to the project and, following public testimony, the Planning
8 Commission voted to grant discretionary review and approved the building permit with
9 modifications and conditions that were proposed through the private agreements; and

10 WHEREAS, In accordance with Chapter 31 of the San Francisco Administrative Code,
11 approval of the building permit by the Planning Commission on December 13, 2018 was
12 considered the approval action for the Project; and

13 WHEREAS, On December 26, 2018, Genevieve F. Anderson and Matthew R.
14 Anderson (“Appellants”) filed an appeal with the Board of Supervisors of the categorical
15 exemption determination; and

16 WHEREAS, By memorandum to the Clerk of the Board dated December 31, 2018, the
17 Planning Department’s Deputy Environmental Review Officer determined that the appeal was
18 timely filed; and

19 WHEREAS, On March 5, 2019, this Board held a duly noticed public hearing to
20 consider the appeal of the exemption determination filed by Appellants; 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 affirmed the exemption determination for the Project based on the written record before the
3 Board of Supervisors as well as all of the testimony at the public hearing in support of and
4 opposed to the appeal; and

5 WHEREAS, The written record and oral testimony in support of and opposed to the
6 appeal and deliberation of the oral and written testimony at the public hearing before the
7 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
8 the exemption determination is in the Clerk of the Board of Supervisors File No.181247, and is
9 incorporated in this motion as though set forth in its entirety; now, therefore, be it

10 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
11 reference in this motion, as though fully set forth, the exemption determination; and, be it

12 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
13 record before it there are no substantial project changes, no substantial changes in project
14 circumstances, and no new information of substantial importance that would change the
15 conclusions set forth in the exemption determination by the Planning Department that the
16 Project is exempt from environmental review; and, be it

17 FURTHER MOVED, That after carefully considering the appeal of the exemption
18 determination, including the written information submitted to the Board of Supervisors and the
19 public testimony presented to the Board of Supervisors at the hearing on the exemption
20 determination, this Board concludes that the Project qualifies for an exemption determination
21 under CEQA.