

File No. 240248

Committee Item No. _____

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: April 23, 2024

Cmte Board

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OTHER

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Prepared by: Lisa Lew

Date: April 19, 2024

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Categorical Exemption Determination - 72 Harper Street]

2

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 72 Harper Street is categorically exempt from environmental**
5 **review, subject to the adoption of written findings of the Board in support of this**
6 **determination.**

7

8 WHEREAS, On December 14, 2023, the Planning Department determined that the
9 proposed project at 72 Harper Street (“Project”) was categorically exempt from the California
10 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative
11 Code, Chapter 31, under the exemption for existing facilities, or a “Class 1” exemption (CEQA
12 Guidelines, Section 15301); and

13 WHEREAS, The 4,338 square-foot (sf) project site consists of one lot (Assessor’s
14 Parcel Block No. 6652, Lot No. 010) located within the Glen Park neighborhood of San
15 Francisco, on the block bounded by 30th Street to the north, Harper Street to the east, Laidley
16 Street to the south, and Noe Street to the west; and

17 WHEREAS, The site is within a 40-X Height and Bulk District and a RH-1 (Residential
18 House-One Family) Zoning District, and within the Central Neighborhoods Large Residence
19 Special Use District (SUD); and

20 WHEREAS, The building pattern of this block of Harper Street consists of two- to three-
21 story houses set back from the street with gabled roof forms; the rear walls of the buildings on
22 the block are likewise consistent except at the south end of the block where the angular street
23 results in a stepped/staggered siting of buildings; and

24 WHEREAS, The project site is occupied by an existing three-story (two stories-over-
25 basement) 3,183 sf single-family dwelling, with 323 sf of parking; the site is approximately 40

1 feet wide by 125 feet deep; it slopes up from west to east and is surrounded by other single-
2 family residential buildings; and

3 WHEREAS, The Project proposes interior and exterior modifications to the existing
4 single-family dwelling on-site; the Project would convert the existing unoccupied basement
5 level to a one-bedroom, one-bathroom accessory dwelling unit (“ADU”), construct a three-
6 story rear addition attached to the existing single-family dwelling to a maximum height of
7 approximately 30 feet, elevate portions of the existing roof to add a bedroom and bathroom to
8 the primary unit, make seismic improvements to the building, and rebuild the existing front
9 stairs in-kind to meet current egress requirements; additionally, the Project proposes interior
10 changes, including changes to interior partitioning on all floors, installation of a fire-sprinkler
11 system, new skylights and light wells, and upgrades to mechanical, electrical, and plumbing
12 systems on-site; and

13 WHEREAS, The Project would add 2,156 net new sf of total area to the existing
14 structure, for a total area of 4,274 square feet with 352 square feet of parking, of which 3,033
15 square feet would be the primary residential unit and 1,048 square feet would be the new
16 ADU; and

17 WHEREAS, Construction of the Project is estimated to be 15 months and would
18 require approximately 148 cubic yards of soil excavation over an approximately 1,198 square-
19 foot area to a maximum depth of approximately 12 feet below ground surface for foundation
20 work; and

21 WHEREAS, On March 16, 2023, Dennis Budd (“Project Sponsor”) filed a building
22 permit and project application with the planning department; and

23 WHEREAS, On December 14, 2023, the Planning Department determined that the
24 Project categorically exempt under the Class 1 exemption for existing facilities, which applies
25 to projects that involve negligible or no expansion of existing facilities, including, but not

1 limited to, additions to existing structures totaling less than 10,000 square feet, if the project is
2 in an area where all public services and facilities are available to allow for maximum
3 development permissible in the General Plan and if the area in which the project is located is
4 not environmentally sensitive; and

5 WHEREAS, As part of its categorical exemption determination, the Planning
6 Department found that the existing structure at the project site is a potential historic resource
7 (Category B), because it is over 45 years of age, but that the addition would not be visible
8 from any immediately adjacent public right-of-way for 150 feet in each direction; it would not
9 extend vertically beyond the floor level of the top story of the structure, or would not cause the
10 removal of architectural significant roofing features, so that there would be no impacts to
11 potential character-defining features, even if the structure were to be considered a historic
12 resource; and

13 WHEREAS, As part of that determination, the Planning Department also concluded
14 that no unusual circumstances or other exceptions foreclose reliance on the Class 1
15 categorical exemption to approve the Project; and

16 WHEREAS, On February 8, 2024, the Planning Commission considered discretionary
17 review applications filed regarding the Project; at that hearing, Planning Department staff
18 explained that the Project is code compliant and meets the Residential Design Guidelines and
19 preservation criteria; the Planning Commission decided to not take discretionary review on the
20 Project; and

21 WHEREAS, On March 8, 2024, Brian O'Neill and Ryan Patterson of Patterson &
22 O'Neill, PC, on behalf of Krishna Ramamurthi, Tusi Chowdhury, and David Garofoli
23 ("Appellants") filed an appeal of the categorical exemption determination; and
24
25

1 WHEREAS, By memorandum to the Clerk of the Board dated March 13, 2024, the
2 Planning Department's Environmental Review Officer determined that the appeal was timely
3 filed; and

4 WHEREAS, On April 23, 2024, this Board held a duly noticed public hearing to
5 consider the GPE appeal filed by Appellants; and

6 WHEREAS, In reviewing the categorical exemption appeal, this Board reviewed and
7 considered the categorical exemption, the appeal letter, the responses to the appeal
8 documents that the Planning Department and the Project Sponsor prepared, the other written
9 records before the Board of Supervisors and all of the public testimony made in support of
10 and opposed to the categorical exemption appeal; and

11 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
12 conditionally reversed the categorical exemption for the Project subject to the adoption of
13 written findings of the Board in support of such determination based on the written record
14 before the Board of Supervisors as well as all of the testimony at the public hearing in support
15 of and opposed to the appeal; and

16 WHEREAS, The written record and oral testimony in support of and opposed to the
17 appeal and the oral and written testimony at the public hearing before the Board of
18 Supervisors by all parties and the public in support of and opposed to the categorical
19 exemption appeal, including the deliberations by the members of the Board, is in the Clerk of
20 the Board of Supervisors File No. 240246, and is incorporated in this Motion as though set
21 forth in its entirety; now, therefore, be it

22 MOVED, That the Board of Supervisors conditionally reverses the determination by the
23 Planning Department that the Project qualifies for a Class 1 categorical exemption, subject to
24 the adoption of written findings of the Board in support of this determination.

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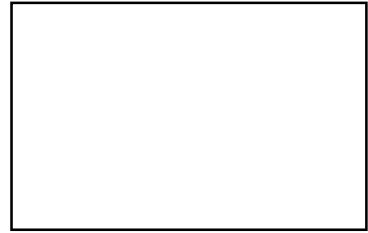
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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquiries..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: