

1 [Affirming the Categorical Exemption Determination - 11 Gladys Street]

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3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 11 Gladys Street is categorically exempt from further environmental review.**

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6 WHEREAS, On September 29, 2017, the Planning Department issued a CEQA
7 Categorical Exemption Determination for the proposed project ("Project") under the California
8 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative
9 Code, Chapter 31; and

10 WHEREAS, The proposed Project involves interior alterations to the existing building
11 and the construction of a 669-square-foot vertical addition, increasing the square footage from
12 971 square feet to approximately 1,640 square feet; the Project would add a third floor,
13 increasing the height of the residence from 20.5 feet to 32 feet; two new roof decks would be
14 constructed on the new third floor, one on the north side of the residence and one on the
15 south side; new wood siding would be added on the second and third floors and wood clad
16 windows would be used to match the existing windows; and the Project would include on-site
17 drainage improvements; and

18 WHEREAS, A variance was requested and granted for the front and rear yard setback
19 as the existing home is a non-conforming structure; 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 September 29, 2017, finding that the Project
23 is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical
24 exemption, which applies to interior and exterior alterations, and additions up to 10,000

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1 square feet if the project is in an area where all public services and facilities are available for
2 the maximum development allowable and where the area is not historically significant, or
3 subject to landslide hazard; and

4 WHEREAS, On November 8, 2018, the Planning Commission heard a Discretionary
5 Review request and, following the hearing, voted not to take Discretionary Review and
6 approved the project as proposed; and

7 WHEREAS, On December 7, 2018, Zacks, Freedman & Patterson on behalf of David
8 Donofrio (“Appellant”) filed an appeal with the Board of Supervisors of the categorical
9 exemption; and

10 WHEREAS, By memorandum to the Clerk of the Board dated December 12, 2018, the
11 Planning Department’s Environmental Review Officer determined that the appeal was timely
12 filed; and

13 WHEREAS, On January 15, 2019, this Board held a duly noticed public hearing to
14 consider the appeal of the exemption determination filed by Appellant; and

15 WHEREAS, In reviewing the appeal of the exemption determination, this Board
16 reviewed and considered the exemption determination, the appeal letter, the responses to the
17 appeal documents that the Planning Department prepared, the other written records before
18 the Board of Supervisors and all of the public testimony made in support of and opposed to
19 the exemption determination appeal; and

20 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
21 affirmed the exemption determination for the Project based on the written record before the
22 Board of Supervisors as well as all of the testimony at the public hearing 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 of Supervisors by all parties and the public in support of and opposed to the appeal of
2 the exemption determination is in the Clerk of the Board of Supervisors File No.181200, and is
3 incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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

11 FURTHER MOVED, That after carefully considering the appeal of the exemption
12 determination, including the written information submitted to the Board of Supervisors and the
13 public testimony presented to the Board of Supervisors at the hearing on the exemption
14 determination, this Board concludes that the Project qualifies for an exemption determination
15 under CEQA.

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