

1 [Affirming the Final Mitigated Negative Declaration - Proposed Project at 2417 Green Street]

2

3 **Motion affirming the Final Mitigated Negative Declaration prepared by the Planning**
4 **Department under the California Environmental Quality Act for the proposed project**
5 **located at 2417 Green Street.**

6

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

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

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

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

24

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 November 10, 2020, this Board held a duly noticed public hearing to
18 consider the appeal of the Revised MND filed by Appellant; and

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

23 WHEREAS, The written record and oral testimony in support of and opposed to the
24 appeal and deliberation of the oral and written testimony at the public hearing before the
25 Board by all parties and the public in support of and opposed to the appeal of the FMND is in

1 the Clerk of the Board of Supervisors File No. 200137 and is incorporated in this motion as
2 though set forth in its entirety; now, therefore, be it

3 MOVED, That the Board of Supervisors of the City and County of San Francisco
4 hereby adopts as its own and incorporates by reference in this motion, as though fully set
5 forth, the FMND; 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 FMND; and, be it

10 FURTHER MOVED, That after carefully considering the appeal of the FMND, including
11 the written information submitted to the Board of Supervisors and the public testimony
12 presented to the Board of Supervisors at the hearing on the FMND, this Board concludes that
13 the Project qualifies for a Mitigated Negative Declaration and that no fair argument supported
14 by substantial evidence in the record has been presented that the Project as proposed would
15 result in any significant impact on the environment.

16

17 n:\land\as2020\1900434\01478788.docx

18

19

20

21

22

23

24

25