

1 [Adopting Findings Reversing the Categorical Exemption Determination - 2417 Green Street]

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3 **Motion adopting findings reversing the determination by the Planning Department that**
4 **the proposed project at 2417 Green Street is categorically exempt from further**
5 **environmental review.**

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7 WHEREAS, On May 16, 2017, the Planning Department determined that the proposed
8 project at 2417 Green Street ("Project") is exempt from environmental review under the
9 California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco
10 Administrative Code, Chapter 31; and

11 WHEREAS, The proposed Project involves alterations to an existing four-story-over-
12 basement single-family residence with one vehicle parking space, which alterations would
13 include excavation to add two vehicle parking spaces; a three-story rear addition; facade
14 alterations and foundation replacement; and lowering the existing building; and

15 WHEREAS, On May 16, 2017, pursuant to Title 14 of the CEQA Guidelines (California
16 Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387), the Planning
17 Department determined that the Project is exempt from environmental review under Class 1 of
18 the CEQA Guidelines (14 Cal. Code Reg. Section 15301), which provides an exemption for
19 minor alterations to existing facilities including demolition of up to three single-family
20 residences in urban areas; and

21 WHEREAS, On November 22, 2017, an appeal of the categorical exemption was filed
22 by Richard Drury and Rebecca Davis of Lozeau Drury LLP on behalf of Philip Kaufman
23 ("Appellant"); and

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1 WHEREAS, By memorandum to the Clerk of the Board dated November 30, 2017, the
2 Planning Department’s Environmental Review Officer determined that the appeal was timely
3 filed; and

4 WHEREAS, On January 9, 2018, this Board held a duly noticed public hearing to
5 consider the appeal of the exemption determination filed by Appellant and, following the public
6 hearing, reversed the exemption determination; and

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

12 WHEREAS, At the January 9, 2018, appeal hearing before this Board, Appellant
13 submitted additional information in support of the appeal, including an engineering report by
14 Lawrence B. Karp (“Karp Report”); and

15 WHEREAS, The Karp Report and other information submitted at and prior to the
16 January 9, 2018, appeal hearing constituted substantial evidence that the Project, if approved,
17 may result in one or more substantial adverse changes in the significance of the neighboring
18 historic resource located at 2421 Green Street that have not been sufficiently addressed in the
19 Categorical Exemption for the Project; and

20 WHEREAS, At and prior to the January 9, 2018, appeal hearing, Appellant and other
21 members of the public submitted substantial evidence, including a report by certified
22 hydrogeologist Matthew Hagemann, C. Hg., that the Project may disturb potentially
23 contaminated soils at the Project site; and

24 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
25 conditionally reversed the exemption determination for the Project subject to the adoption of

1 these written findings of the Board in support of such determination based on the written
2 record before the Board of Supervisors as well as all of the testimony at the public hearing in
3 support of and opposed to the appeal; and

4 WHEREAS, The Board finds that the Karp Report and other information submitted at
5 and prior to the January 9, 2018, appeal hearing constituted substantial evidence not
6 previously identified that affect the CEQA evaluation set forth in the Categorical Exemption
7 regarding how the Project may impair the significance of an historic resource by causing
8 impacts to its immediate surroundings; and

9 WHEREAS, The Board further finds that the public comment provided at and prior to
10 the January 9, 2018, hearing, including a report by certified hydrogeologist Matthew
11 Hagemann, C. Hg., constituted substantial evidence that the Project will disturb potentially
12 contaminated soils; and

13 WHEREAS, The written record and oral testimony in support of and opposed to the
14 appeal and deliberation of the oral and written testimony at the public hearing before the
15 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
16 the exemption determination is in the Clerk of the Board of Supervisors File No. 171267, and
17 is incorporated in this motion as though set forth in its entirety; and

18 WHEREAS, This Board considered these issues, heard testimony, and shared
19 concerns that further information and analysis was required regarding the proposed Project at
20 2417 Green Street; now, therefore be it

21 MOVED, That In light of this information, the Board finds that there is substantial
22 evidence in the record before the Board that the Project proposed at 2417 Green Street
23 presents unusual circumstances relating to historic resources and hazardous materials and it
24 appears as a result of those circumstances the project may have a significant effect on the
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1 environment and, based on the facts presented to the Board of Supervisors on the hearing on
2 January 9, 2018, the Project is therefore not Categorically Exempt from CEQA review.

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