

File No. 180123

Committee Item No. _____

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: February 6, 2018

Cmte Board

- Motion
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- Form 126 – Ethics Commission
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OTHER

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Prepared by: Lisa Lew

Date: February 1, 2018

Prepared by: _____

Date: _____

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

2
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.**

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 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

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 raises additional issues concerning the potential that the
17 Project, if approved, may result in one or more substantial adverse changes in the
18 significance of the neighboring historic resource located at 2421 Green Street that have not
19 been sufficiently addressed in the 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 evidence calling into question whether the Categorical
22 Exemption adequately addresses the potential that the Project will disturb potentially
23 contaminated soils at the Project site; and

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

1 findings of the Board in support of such determination based on the written record before the
2 Board of Supervisors as well as all of the testimony at the public hearing in support of and
3 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 raised important questions not previously
6 identified that affect the CEQA evaluation set forth in the Categorical Exemption regarding
7 how the Project could impair the significance of an historic resource by causing impacts to its
8 immediate surroundings; and

9 WHEREAS, The Board further finds that the public comment provided at and prior to
10 the January 9, 2018, hearing raises issues concerning the adequacy of the record to address
11 the potential that the Project will disturb potentially contaminated soils; and

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

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

20 MOVED, That In light of this information, the Board directs the Planning Department to
21 undertake further analysis and require the project sponsor to provide further information for
22 review by the Department of Building Inspection concerning whether the Project will cause a
23 substantial adverse change in the historic significance of 2421 Green Street; and, be it

24 FURTHER MOVED, That the Board directs the Planning Department to undertake
25 further analysis and require the project sponsor to provide further information for review by the

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Department of Public Health concerning whether soils on the Project site contain hazardous materials which may present an unusual circumstance at the project site.

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Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Clerk of the Board

Subject:

Adopting Findings Reversing the Categorical Exemption Determination - 2417 Green Street

The text is listed:

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

Signature of Sponsoring Supervisor: *Alisa Bernal*

For Clerk's Use Only

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