

File No. 210276

Committee Item No. \_\_\_\_\_

Board Item No. 18

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: April 20, 2021

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### OTHER

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Prepared by: Lisa Lew

Date: April 16, 2021

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Affirming the Categorical Exemption Determination - 2651-2653 Octavia Street]

2

3 **Motion affirming the determination by the Planning Department that the proposed**  
4 **project at 2651-2653 Octavia Street is categorically exempt from further environmental**  
5 **review.**

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7 WHEREAS, On January 27, 2021, the Planning Department (“Department”) issued a  
8 Categorical Exemption Determination for the proposed project located at 2651-2653 Octavia  
9 Street (“Project”) under the California Environmental Quality Act (“CEQA”), the CEQA  
10 Guidelines, and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The project site is located on the block bounded by Green Street to the  
12 north, Octavia Street to the east, Vallejo Street to the south, and Laguna Street to the west, in  
13 the Pacific Heights neighborhood; the approximately 3,100-square-foot project site is within  
14 the Residential, House, Two-Family (RH-2) Zoning District and a 40-X Height and Bulk  
15 District; the project site is currently occupied by a two-family residence; and

16 WHEREAS, The Project includes the construction a fourth-floor-level vertical and  
17 horizontal addition to an existing 37-foot-tall (inclusive of a 7-foot-tall mansard roof), three-  
18 story, 4,151-gross-square-foot two-family residence constructed in 1950, resulting in a 40-  
19 foot-tall (exclusive of a 3.5-foot-tall parapet and clear glass guardrail on the roof deck), four-  
20 story, 6,512-gross-square-foot two family residence; the Project construction would involve  
21 localized excavation for new foundation and possible excavation to replace existing  
22 foundations in kind, resulting in a total of approximately 15 to 30 cubic yards of soil excavated,  
23 at an average depth of 1.5 feet; and

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1           WHEREAS, On September 5, 2019, the Department issued a categorical exemption  
2 determination, finding that the Project was categorically exempt under CEQA Class 1 -  
3 alteration and addition to an existing structure, and that no further environmental review was  
4 required; and

5           WHEREAS, On October 21, 2019, Paul Guermonprez, on behalf of the 2634 Octavia  
6 Street Homeowners Association (“HOA”) and 1791-1795 Green Street HOA, filed with the  
7 Department a discretionary review request regarding the Project; on February 6, 2020, the  
8 Planning Commission (“Commission”) denied the discretionary review request at a public  
9 hearing, which constituted the approval action for the Project; and

10           WHEREAS, On March 6, 2020, Maureen Holt, Elizabeth Reilly, Paul Guermonprez,  
11 and Jack Fowler timely filed an appeal of the September 5, 2019, categorical exemption to the  
12 Board of Supervisors (“Board”); and

13           WHEREAS, On July 28, 2020, after initial delays due to the onset of the COVID-19  
14 pandemic, the Board held a duly noticed public hearing to consider the appeal, upheld the  
15 appeal, and reversed the September 5, 2019, categorical exemption; and

16           WHEREAS, On September 22, 2020, the Board unanimously passed Motion No. M20-  
17 129, finding that the Department did not document that it analyzed the Project’s potential  
18 impacts on the character-defining features of the Golden Gate Valley Library, a known historic  
19 resource, prior to issuing the September 5, 2019, categorical exemption; and

20           WHEREAS, Motion No. M20-129 directed the Department to analyze the Project’s  
21 potential historic resource impacts on the character-defining features of the library –  
22 specifically, to consider whether the Project’s potential impacts on the lighting inside the  
23 library’s main reading room would significantly impact those character-defining features; and

24           WHEREAS, In Motion No. M20-129, the Board found that, except for the Project’s  
25 potential historic resource impacts on the character-defining features of the library, the

1 September 5, 2019, categorical exemption “conforms to the requirements of CEQA and is  
2 adequate, accurate, and objective, the record does not include substantial evidence to  
3 support a fair argument that the proposed project may have a significant effect on the  
4 environment, and no further analysis is required;” and

5 WHEREAS, On January 27, 2021, the Department, pursuant to Title 14 of the CEQA  
6 Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-  
7 15333), issued a second categorical exemption for the Project, finding that the Project is  
8 exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical  
9 exemption (alteration and addition to an existing structure) and that no further environmental  
10 review was required; and

11 WHEREAS, As directed by the Board, prior to issuing the second categorical  
12 exemption determination, the Department considered the Project’s potential impacts on the  
13 character-defining features of the library, including the Project’s potential impacts on the  
14 interior light level inside the library; and

15 WHEREAS, On February 4, 2021, the Commission denied the discretionary review  
16 request at a public hearing (Planning Department Case No. 2018-011022DRP), which  
17 constituted the approval action for the Project under Chapter 31 of the San Francisco  
18 Administrative Code; and

19 WHEREAS, On March 5, 2021, Gloria D. Smith, on behalf of Golden Gate Valley  
20 Library Friends (collectively, “Appellant”), timely filed an appeal of the January 27, 2021,  
21 categorical exemption to the Board; and

22 WHEREAS, By memorandum to the Clerk of the Board dated March 10, 2021, the  
23 Planning Department’s Environmental Review Officer determined that the appeal was timely  
24 filed; and

1           WHEREAS, On April 20, 2021, this Board held a duly noticed public hearing to  
2 consider the appeal of the exemption determination filed by Appellant; and

3           WHEREAS, In reviewing the appeal of the exemption determination, this Board  
4 reviewed and considered the exemption determination, the appeal letter, the responses to the  
5 appeal documents that the Department prepared, the other written records before the Board  
6 and all of the public testimony made in support of and opposed to the exemption  
7 determination appeal; and

8           WHEREAS, Following the conclusion of the public hearing, the Board affirmed the  
9 exemption determination for the Project based on the written record before the Board as well  
10 as all of the testimony at the public hearing in support of and opposed to the appeal; and

11           WHEREAS, The written record and oral testimony in support of and opposed to the  
12 appeal and deliberation of the oral and written testimony at the public hearing before the  
13 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
14 the exemption determination is in the Clerk of the Board of Supervisors File No. 210275, and  
15 is incorporated in this Motion as though set forth in its entirety; now, therefore, be it

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

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

23           FURTHER MOVED, That after carefully considering the appeal of the exemption  
24 determination, including the written information submitted to the Board of Supervisors and the  
25 public testimony presented to the Board of Supervisors at the hearing on the exemption

1 determination, this Board concludes that the Project qualifies for an exemption determination  
2 under CEQA.

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# Introduction Form

By a Member of the Board of Supervisors or the 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  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach 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 a Imperative Form.**

**Sponsor(s):**

**Subject:**

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: \_\_\_\_\_

For Clerk's Use Only: