

1 [Affirming the Community Plan Evaluation - 350-352 San Jose Avenue]

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3 **Motion affirming the determination by the Planning Department that a proposed project**  
4 **at 350-352 San Jose Avenue is exempt from further environmental review under a**  
5 **Community Plan Evaluation.**

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7 WHEREAS, On September 23, 2020, the Planning Department issued a Community  
8 Plan Evaluation and an Initial Study (“environmental determination”), pursuant to California  
9 Environmental Quality Act (“CEQA”), the CEQA Guidelines, 14 Cal. Code of Reg. sections  
10 15000 et seq., and Chapter 31 of the San Francisco Administrative Code, finding that the  
11 proposed project at 350-352 San Jose Avenue (“Project”) is consistent with the development  
12 density established by zoning, community plan, and general plan policies in the Eastern  
13 Neighborhoods Rezoning and Area Plans (the “Area Plan”) for the project site, for which a  
14 Programmatic Environmental Impact Report (the “PEIR”) was certified; and

15 WHEREAS, The approximately 7,150-square-foot project site is located on the west  
16 side of San Jose Avenue, on the block bounded by 25th Street to the north, Valencia Street to  
17 the east, Guerrero Street to the west, and 26th Street to the south, in the Mission  
18 neighborhood; the existing on-site building is an approximately 3,560-square-foot,  
19 approximately 34-foot-tall, two-story-over-basement residential building constructed circa  
20 1875; the existing building contains four dwelling units and is set back 40 feet from the front  
21 property line; and

22 WHEREAS, The Project would move the existing on-site building 23 feet eastward on  
23 the lot (toward the San Jose Avenue frontage), reducing the front set back from approximately  
24 40 feet to approximately 17 feet; the Project would also include horizontal and vertical  
25 additions to the building that would increase the residential square footage by approximately

1 8,670 square feet to a new total of approximately 12,235 square feet; one vertical floor would  
2 be added to the building, with a resulting height of 40 feet, with an additional 3 feet to the top  
3 of the rooftop mechanical features; the proposed vertical addition is within the existing 40-X  
4 height limit allowed on the site; eight dwelling units would be added to the building - at the  
5 basement, first, second, and third floors, for a total of 12 dwelling units and an accessory  
6 dwelling unit (“ADU”); the ADU unit would be added on the basement level; the final unit mix  
7 would be six one-bedroom units, six two-bedroom units, and one two-bedroom ADU; the  
8 existing curb cut would be removed and a new 10-foot curb cut would be installed in the same  
9 location; the Project would not include any off-street vehicle parking; space for 10 Class 1  
10 bicycle spaces would be provided in the rear yard; and

11 WHEREAS, On December 10, 2019, a request for Discretionary Review (“DR”) was  
12 filed; subsequent DRs were filed and the project sponsor entered into negotiations with the  
13 DR filers; these negotiations led to changes in the Project, which are reflected in a September  
14 17, 2020, plan set; and

15 WHEREAS, The Planning Commission considered the Project on September 24, 2020,  
16 and took discretionary review for the Project by Planning Commission Discretionary Review  
17 Action DRA-722, which constituted the approval action under Chapter 31 of the Administrative  
18 Code; and

19 WHEREAS, On October 26, 2020, Stephen M. Williams, on behalf of Elisabeth Kranier,  
20 filed an appeal of the Environmental determination; and

21 WHEREAS, The Planning Department’s Environmental Review Officer, by  
22 memorandum to the Clerk of the Board dated November 2, 2020, determined that the appeal  
23 had been timely filed; and

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1           WHEREAS, On December 8, 2020, this Board held a duly noticed public hearing to  
2 consider the appeal of the environmental determination filed by Appellants and, following the  
3 public hearing, affirmed the Environmental determination; and

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

9           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
10 affirmed the determination that the Project does not require further environmental review  
11 based on the written record before the Board of Supervisors as well as all of the testimony at  
12 the public hearing in support of and opposed to the appeal; 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 environmental determination is in the Clerk of the Board of Supervisors File No. 201248  
17 and is incorporated in this motion as though set forth in its entirety; now therefore be it

18           MOVED, That the Board of Supervisors of the City and County of San Francisco  
19 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
20 forth, the Environmental determination; and be it

21           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
22 record before it there are no substantial project changes, no substantial changes in project  
23 circumstances, and no new information of substantial importance that would change the  
24 conclusions set forth in the environmental determination by the Planning Department that the  
25 Project does not require further environmental review; and be it

1           FURTHER MOVED, That after carefully considering the appeal of the Environmental  
2 determination, including the written information submitted to the Board of Supervisors and the  
3 public testimony presented to the Board of Supervisors at the hearing on the Environmental  
4 determination, this Board concludes that the Project is consistent with the development  
5 density established by the zoning, community plan, and general plan policies in the Area Plan,  
6 for which the PEIR was certified; would not result in new significant environmental effects, or  
7 effects of greater severity than were already analyzed and disclosed in the PEIR; and  
8 therefore does not require further environmental review in accordance with CEQA Section  
9 21083.3 and CEQA Guidelines, Section 15183.

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