

1 [Affirming the Categorical Exemption Determination - 66 Mountain Spring Avenue]

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3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 66 Mountain Spring Avenue is categorically exempt from further**
5 **environmental review.**

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7 WHEREAS, On February 12, 2019, the Planning Department issued a Categorical
8 Exemption Determination for the proposed project located at 66 Mountain Spring Avenue
9 (“Project”) under the California Environmental Quality Act (“CEQA”), the CEQA Guidelines,
10 and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The approximately 5,000-square-foot project site is located in the Twin
12 Peaks neighborhood on Assessor’s Parcel Block 2706, Lot No. 025, and is bound by
13 Clarendon Avenue to the north, Twin Peaks Boulevard to the east, Mountain Spring Avenue
14 to the south and the Stanyan Street right-of-way to the west; the surrounding area is
15 characterized by a mix of single-family homes that are typically two to four stories tall and
16 many contain garage parking on the ground level; there are also a variety of parks and
17 recreational resources nearby including: Twin Peaks Park, Mt. Sutro Open Space Reserve,
18 Interior Greenbelt, Tank Hill, and more; and

19 WHEREAS, The subject site is currently occupied by an approximately 15-foot-tall,
20 two-story, 4,459-square-foot single-family home constructed in 1947 that has been
21 determined not to be a historic resource; the home contains four bedrooms and 303 square
22 feet of garage parking; the site is located within a landslide zone and contains slopes of 25%
23 or greater; and

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1 WHEREAS, The Project consists of the demolition of the existing two-story, single-
2 family home and the construction of an approximately 22-foot-tall, three-story, 5,405-square-
3 foot single-family home with an attached two-car garage; the building would be set back 15
4 feet from the front lot line and the main entrance as well as the garage would both be
5 accessed from the street level; the proposed structure would contain four bedrooms with a
6 home office that could optionally be used as a fifth bedroom; and

7 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
8 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
9 issued a categorical exemption for the Project on February 12, 2019, finding that the Project is
10 exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical
11 exemption (Existing Facilities), and that no further environmental review was required; and

12 WHEREAS, On February 20, 2020, the Planning Commission took discretionary review
13 over the building permit and approved it with modifications at a public hearing, which
14 constituted the approval action for the Project under CEQA; and

15 WHEREAS, On March 23, 2020, Gloria Smith, on behalf of Margaret Niver, Ronald
16 Niver, and Rosemarie MacGuinness (collectively referred to as Appellant) filed an appeal of the
17 categorical exemption determination; and

18 WHEREAS, By memorandum to the Clerk of the Board dated July 13, 2020, the
19 Planning Department's Environmental Review Officer determined that the appeal was timely
20 filed; and

21 WHEREAS, On September 15, 2020, this Board held a duly noticed public hearing to
22 consider the appeal of the exemption determination filed by Appellant; and

23 WHEREAS, In reviewing the appeal of the exemption determination, this Board
24 reviewed and considered the exemption determination, the appeal letter, the responses to the
25 appeal documents that the Planning Department prepared, the other written records before

1 the Board of Supervisors and all of the public testimony made in support of and opposed to
2 the exemption determination appeal; and

3 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
4 affirmed the exemption determination for the Project based on the written record before the
5 Board of Supervisors as well as all of the testimony at the public hearing in support of and
6 opposed to the appeal; and

7 WHEREAS, The written record and oral testimony in support of and opposed to the
8 appeal and deliberation of the oral and written testimony at the public hearing before the
9 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
10 the exemption determination is in the Clerk of the Board of Supervisors File No. 200754 and is
11 incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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

19 FURTHER MOVED, That after carefully considering the appeal of the exemption
20 determination, including the written information submitted to the Board of Supervisors and the
21 public testimony presented to the Board of Supervisors at the hearing on the exemption
22 determination, this Board concludes that the Project qualifies for an exemption determination
23 under CEQA.

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