

1 [Conditionally Reversing the Categorical Exemption Determination - 2651-2653 Octavia
2 Street]

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **project proposed for 2651-2653 Octavia Street is categorically exempt from further**
5 **environmental review, subject to the adoption of written findings of the Board in**
6 **support of this determination.**

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

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

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

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 conditionally
9 reversed the exemption determination subject to the adoption of written findings of the Board
10 in support of such determination based on the written record before the Board as well as all of
11 the testimony at the public hearing in support of and opposed to the appeal; 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. 210275, and
16 is incorporated in this Motion as though set forth in its entirety; now, therefore, be it

17 MOVED, That this Board of Supervisors conditionally reverses the determination by the
18 Planning Department that the project is exempt from environmental review, subject to the
19 adoption of written findings of the Board in support of this determination.

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