

File No. 200756

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

Board Item No. 10

## COMMITTEE/BOARD OF SUPERVISORS

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

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

Board of Supervisors Meeting

Date: August 25, 2020

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#### OTHER

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Prepared by: Lisa Lew

Date: August 21, 2020

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

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

1 [Conditionally Reversing the Categorical Exemption Determination - 66 Mountain Spring  
2 Avenue]

3 **Motion conditionally reversing the determination by the Planning Department that the**  
4 **project proposed at 66 Mountain Spring Avenue is categorically exempt from further**  
5 **environmental review, subject to the adoption of written findings of the Board in**  
6 **support of this determination.**

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

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

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

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 August 25, 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 conditionally reversed the exemption determination subject to the adoption of written findings  
5 of the Board in support of such determination based on the written record before the Board of  
6 Supervisors as well as all of the testimony at the public hearing in support of and opposed to  
7 the appeal; and

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

13 MOVED, That this Board of Supervisors conditionally reverses the determination by the  
14 Planning Department that the Project is exempt from environmental review, subject to the  
15 adoption of written findings of the Board in support of this determination.

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# 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. Topic 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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only