File No. 240247 **Committee Item No.** _____
Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date:** April 23, 2024

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Prepared by: Lisa Lew **Date:** April 19, 2024
Prepared by: _____ **Date:** _____

[Affirming the Categorical Exemption Determination - 72 Harper Street]

Motion affirming the determination by the Planning Department that the proposed project at 72 Harper Street is categorically exempt from environmental review.

WHEREAS, On December 14, 2023, the Planning Department determined that the proposed project at 72 Harper Street (“Project”) was categorically exempt from the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, under the exemption for existing facilities, or a “Class 1” exemption (CEQA Guidelines, Section 15301); and

WHEREAS, The 4,338 square-foot (sf) project site consists of one lot (Assessor’s Parcel Block No. 6652, Lot No. 010) located within the Glen Park neighborhood of San Francisco, on the block bounded by 30th Street to the north, Harper Street to the east, Laidley Street to the south, and Noe Street to the west; and

WHEREAS, The site is within a 40-X Height and Bulk District and a RH-1 (Residential House-One Family) Zoning District, and within the Central Neighborhoods Large Residence Special Use District (SUD); and

WHEREAS, The building pattern of this block of Harper Street consists of two- to three-story houses set back from the street with gabled roof forms; the rear walls of the buildings on the block are likewise consistent except at the south end of the block where the angular street results in a stepped/staggered siting of buildings; and

WHEREAS, The project site is occupied by an existing three-story (two stories-over-basement) 3,183 sf single-family dwelling, with 323 sf of parking; the site is approximately 40

feet wide by 125 feet deep; it slopes up from west to east and is surrounded by other single-family residential buildings; and

WHEREAS, The Project proposes interior and exterior modifications to the existing single-family dwelling on-site; the Project would convert the existing unoccupied basement level to a one-bedroom, one-bathroom accessory dwelling unit ("ADU"), construct a three-story rear addition attached to the existing single-family dwelling to a maximum height of approximately 30 feet, elevate portions of the existing roof to add a bedroom and bathroom to the primary unit, make seismic improvements to the building, and rebuild the existing front stairs in-kind to meet current egress requirements; additionally, the Project proposes interior changes, including changes to interior partitioning on all floors, installation of a fire-sprinkler system, new skylights and light wells, and upgrades to mechanical, electrical, and plumbing systems on-site; and

WHEREAS, The Project would add 2,156 net new sf of total area to the existing structure, for a total area of 4,274 square feet with 352 square feet of parking, of which 3,033 square feet would be the primary residential unit and 1,048 square feet would be the new ADU; and

WHEREAS, Construction of the Project is estimated to be 15 months and would require approximately 148 cubic yards of soil excavation over an approximately 1,198 square-foot area to a maximum depth of approximately 12 feet below ground surface for foundation work; and

WHEREAS, On March 16, 2023, Dennis Budd ("Project Sponsor") filed a building permit and project application with the planning department; and

WHEREAS, On December 14, 2023, the Planning Department determined that the Project categorically exempt under the Class 1 exemption for existing facilities, which applies to projects that involve negligible or no expansion of existing facilities, including, but not

limited to, additions to existing structures totaling less than 10,000 square feet, if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and if the area in which the project is located is not environmentally sensitive; and

WHEREAS, As part of its categorical exemption determination, the Planning Department found that the existing structure at the project site is a potential historic resource (Category B), because it is over 45 years of age, but that the addition would not be visible from any immediately adjacent public right-of-way for 150 feet in each direction; it would not extend vertically beyond the floor level of the top story of the structure, or would not cause the removal of architectural significant roofing features, so that there would be no impacts to potential character-defining features, even if the structure were to be considered a historic resource; and

WHEREAS, As part of that determination, the Planning Department also concluded that no unusual circumstances or other exceptions foreclose reliance on the Class 1 categorical exemption to approve the Project; and

WHEREAS, On February 8, 2024, the Planning Commission considered discretionary review applications filed regarding the Project; at that hearing, Planning Department staff explained that the Project is code compliant and meets the Residential Design Guidelines and preservation criteria; the Planning Commission decided to not take discretionary review on the Project; and

WHEREAS, On March 8, 2024, Brian O'Neill and Ryan Patterson of Patterson & O'Neill, PC, on behalf of Krishna Ramamurthi, Tusi Chowdhury, and David Garofoli ("Appellants") filed an appeal of the categorical exemption determination; and

WHEREAS, By memorandum to the Clerk of the Board dated March 13, 2024, the Planning Department's Environmental Review Officer determined that the appeal was timely filed; and

WHEREAS, On April 23 2024, this Board held a duly noticed public hearing to consider the categorical exemption appeal filed by Appellants; and

WHEREAS, In reviewing the categorical exemption appeal, this Board reviewed and considered the categorical exemption, the appeal letter, the responses to the appeal documents that the Planning Department and the Project Sponsor prepared, the other written records before the Board of Supervisors and all of the public testimony made in support of and opposed to the categorical exemption appeal; and

WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors affirmed the categorical exemption, based on the written record before the Board of Supervisors as well as all of the testimony at the public hearing in support of and opposed to the appeal; and

WHEREAS, The written record and oral testimony in support of and opposed to the appeal and the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the categorical exemption appeal, including the deliberations by the members of the Board, is in the Clerk of the Board of Supervisors File No. 240246, and is incorporated in this Motion as though set forth in its entirety; now, therefore, be it

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

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the

conclusions set forth in Planning Department's determination that the Project is exempt from further environmental review under the categorical exemption; and, be it

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

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
  (Routine, non-controversial and/or commendatory matters only)
- ■ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor _____ inquiries…"
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Clerk of the Board

Subject:

Affirming the Categorical Exemption Determination - 72 Harper Street

Long Title or text listed:

Motion affirming the determination by the Planning Department that the proposed project at 72 Harper Street is categorically exempt from environmental review.

Signature of Sponsoring Supervisor: Alisa Somera