

1 [Reversing the Exemption Determination - 2655 Broderick Street]

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3 **Motion reversing the determination by the Planning Department that a proposed**
4 **project at 2655 Broderick Street is exempt from environmental review.**

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6 WHEREAS, On December 5, 2014, the Planning Department determined that the
7 proposed project located at 2655 Broderick Street ("Project") is exempt from environmental
8 review under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and
9 San Francisco Administrative Code Chapter 31. The proposed project involves an existing
10 single-family home and would legalize an existing 425 square-foot roof deck and stair
11 penthouse; add a one-hour fire-rated parapet wall along the south property line of the roof
12 deck; and modify the existing parapet wall/guardrail from 38 inches to 42 inches in height at
13 the existing three-story building; and legalize the as-built condition of a second-story deck and
14 stairs connecting the deck to grade constructed under building permit application number
15 8504468 at the rear of the building; and

16 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
17 January 16, 2015, Irving Zaretsky (Appellant) appealed the exemption determination. The
18 Appellant provided a copy of the Planning Department's Categorical Exemption
19 Determination, finding that the proposed project was exempt under Class 1 of the CEQA
20 Guidelines as a minor alteration to existing facilities (14 Cal. Code Reg. §15301); and

21 WHEREAS, The Planning Department's Environmental Review Officer, by
22 memorandum to the Clerk of the Board dated January 22, 2015, determined that the appeal
23 had been timely filed; and

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1 WHEREAS, On February 24, 2015, this Board held a duly noticed public hearing to
2 consider the appeal of the exemption determination filed by Appellant and, following the public
3 hearing, reversed the exemption determination; and

4 WHEREAS, In reviewing the appeal of the exemption determination, this Board
5 reviewed and considered the exemption determination, the appeal letter, the responses to the
6 appeal documents that the Planning Department prepared, the other written records before
7 the Board of Supervisors and all of the public testimony made in support of and opposed to
8 the exemption determination appeal. Following the conclusion of the public hearing, the Board
9 of Supervisors affirmed the exemption determination for the project based on the written
10 record before the Board of Supervisors as well as all of the testimony at the public hearing in
11 support of and opposed to the appeal. The written record and oral testimony in support of and
12 opposed to the appeal and deliberation of the oral and written testimony at the public hearing
13 before the Board of Supervisors by all parties and the public in support of and opposed to the
14 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.
15 150059 and is incorporated in this motion as though set forth in its entirety; now therefore be it

16 MOVED, That this Board of Supervisors reverses the determination by the Planning
17 Department that the project is exempt from environmental review.