

File No. 200140

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

Board Item No. 90

## COMMITTEE/BOARD OF SUPERVISORS

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

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

Board of Supervisors Meeting

Date: September 22, 2020

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Prepared by: Jocelyn Wong

Date: September 18, 2020

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

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

1 [Preparation of Findings to Reverse the Revised Mitigated Negative Declaration - Proposed  
2 Project at 2417 Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the Planning**  
4 **Department’s preparation of a Final Mitigated Negative Declaration under the California**  
5 **Environmental Quality Act for the proposed project located at 2417 Green Street.**

6  
7 WHEREAS, On May 16, 2017, the Planning Department determined that the proposed  
8 project at 2417 Green Street (“Project”) is exempt from environmental pursuant to Title 14 of  
9 the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3,  
10 Sections 15300-15387), Class 1 of the CEQA Guidelines (14 Cal. Code Reg. Section 15301),  
11 which provides an exemption for minor alterations to existing facilities including demolition of  
12 up to three single-family residences in urban areas; and

13 WHEREAS, On November 22, 2017, an appeal of the categorical exemption was filed  
14 by Richard Drury and Rebecca Davis of Lozeau Drury LLP on behalf of Philip Kaufman  
15 (“Appellant”); and

16 WHEREAS, On January 9, 2017, this Board held a duly noticed public hearing to  
17 consider the appeal of the exemption determination filed by Appellant and, following the public  
18 hearing, the Board of Supervisors conditionally reversed the exemption determination for the  
19 Project subject to the adoption of written findings of the Board in support of such  
20 determination based on the written record before the Board of Supervisors as well as all of the  
21 testimony at the public hearing in support of and opposed to the appeal; and

22 WHEREAS, In Motion No. M18-012, the Board found based on evidence in the record  
23 before it that the Project is not categorically exempt from review under CEQA; and

24 WHEREAS, A Preliminary Mitigated Negative Declaration (“PMND”) for the proposed  
25 project located at 2417 Green Street (“Project”) was published on June 26, 2019; and

1           WHEREAS, The project site is a rectangular-shaped lot located on the south side of  
2 Green Street in the Pacific Heights neighborhood, and is developed with a four-story-over-  
3 garage, single-family dwelling constructed circa 1908; the lot is approximately 25 feet wide,  
4 100 feet deep and 2,500 square feet in size; the lot slopes steeply upward from the street  
5 such that the garage level and approximately half of the first floor are below existing grade at  
6 the rear of the building; and

7           WHEREAS, The Project, as initially submitted in April 2017, proposed to construct one-  
8 and three-story horizontal rear additions, 3rd and 4th floor vertical additions, and to lower all  
9 floor plates within the existing single family dwelling by approximately 2 feet; the floor area  
10 would increase from approximately 4,118 square feet to approximately 5,115 square feet; the  
11 project also proposed alterations to the front façade, interior modifications including the  
12 expansion of the existing basement level garage to accommodate another off street parking  
13 space, and the partial excavation and terracing of the rear yard; since the October 23, 2017,  
14 neighborhood notification and subsequent filings of three requests for Discretionary Review,  
15 the project sponsor has revised the project by proposing to include a one-bedroom accessory  
16 dwelling unit (ADU) occupying the entire first floor of the project, which measures  
17 approximately 1,023 square feet; the revised project also proposes changes to the alterations  
18 to the front façade, including smaller window openings, wood windows instead of aluminum  
19 clad windows and dark painted trim; no changes have been made to the originally-proposed  
20 massing of the building; Planning Department staff reviewed the demolition calculation  
21 statistics and determined that the revised project is not considered to be tantamount to  
22 demolition, per Section 317 of the Planning Code; the revised project is not seeking any  
23 variances or modifications to the requirements of the Planning Code; and

24           WHEREAS, On January 9, 2020, the Planning Commission held a public hearing, and  
25 affirmed the Environmental Review Officer's decision to issue the PMND pursuant to the

1 California Environmental Quality Act, Public Resources Code, Sections 21000 et seq.  
2 (“CEQA”), the CEQA Guidelines, 14 Cal. Code of Reg., Sections 15000 et seq., and Chapter  
3 31 of the San Francisco Administrative Code, finding that the Project could not have a  
4 significant impact on the environment, and issued the Final Mitigated Negative Declaration  
5 (“FMND”); and

6 WHEREAS, On July 16, 2020, the Planning Commission held a public hearing on the  
7 Project, took Discretionary Review and approved the Project with revisions; and

8 WHEREAS, On February 5, 2020, and again on August 7, 2020, Richard Drury of  
9 Lozeau Drury LLP, on behalf of Phillip Kaufman (“Appellant”) filed letters appealing the  
10 FMND; and

11 WHEREAS, The Planning Department's Environmental Review Officer, by memoranda  
12 to the Clerk of the Board dated August 12, 24 and September 3, 2020, determined that the  
13 February 5, 2020 appeal was unripe, and the August 7, 2020 appeal had been timely filed;  
14 and

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

17 WHEREAS, In reviewing the appeal of the FMD, the Board reviewed and considered  
18 the environmental determination, the appeal letter, the responses to the appeal documents  
19 that the Planning Department and the project sponsor prepared, the other written records  
20 before the Board of Supervisors and all of the public testimony made in support of and  
21 opposed to the appeal; and

22 WHEREAS, The written record and oral testimony in support of and opposed to the  
23 appeal and deliberation of the oral and written testimony at the public hearing before the  
24 Board by all parties and the public in support of and opposed to the appeal of the FMD is in  
25

1 the Clerk of the Board of Supervisors File No. 200137 and is incorporated in this motion as  
2 though set forth in its entirety; now, therefore, be it

3           MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare  
4 findings specifying the basis for its decision on the appeal of the FMD prepared by the  
5 Planning Department for the Project.

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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