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

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

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

WHEREAS, On January 9, 2017, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellant and, following the public hearing, the Board of Supervisors conditionally reversed the exemption determination for the Project subject to the adoption of written findings of the Board in support of such determination 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, In Motion No. M18-012, the Board found based on evidence in the record before it that the Project is not categorically exempt from review under CEQA; and

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

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

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

WHEREAS, On January 9, 2020, the Planning Commission held a public hearing, and affirmed the Environmental Review Officer's decision to issue the PMND pursuant to the
California Environmental Quality Act, Public Resources Code, Sections 21000 et seq. ("CEQA"), the CEQA Guidelines, 14 Cal. Code of Reg., Sections 15000 et seq., and Chapter 31 of the San Francisco Administrative Code, finding that the Project could not have a significant impact on the environment, and issued the Final Mitigated Negative Declaration ("FMND"); and

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

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

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

WHEREAS, On November 10, 2020, this Board held a duly noticed public hearing to consider the appeal of the FMD filed by Appellant; and

WHEREAS, In reviewing the appeal of the FMD, the Board reviewed and considered the environmental determination, 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 appeal; and

WHEREAS, The written record and oral testimony in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board by all parties and the public in support of and opposed to the appeal of the FMD is in
the Clerk of the Board of Supervisors File No. 200137 and is incorporated in this motion as

though set forth in its entirety; now, therefore, be it

MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare

findings specifying the basis for its decision on the appeal of the FMD prepared by the

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

September 22, 2020 Board of Supervisors - CONTINUED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

October 20, 2020 Board of Supervisors - CONTINUED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

November 10, 2020 Board of Supervisors - APPROVED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Motion was APPROVED on 11/10/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board