

File No. 230888

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

Board Item No. 17

# COMMITTEE/BOARD OF SUPERVISORS

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

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

Board of Supervisors Meeting

Date: September 12, 2023

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- Public Correspondence

### OTHER

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Prepared by: Jocelyn Wong

Date: September 7, 2023

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

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

1 [Conditionally Reversing the Exemption Determination - 939 Lombard Street]

2

3 **Motion conditionally reversing the determination by the Planning Department that the**  
4 **proposed project at 949 Lombard Street is exempt from further environmental review,**  
5 **subject to the adoption of written findings of the Board in support of this**  
6 **determination.**

7

8 WHEREAS, On April 19, 2023, the Planning Department issued a CEQA Categorical  
9 Exemption Determination for the proposed project located at 939 Lombard Street (“Project”)  
10 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San  
11 Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The project site is a 3,781-square-foot parcel located on the south side of  
13 Lombard Street between Jones and Leavenworth streets in the Russian Hill neighborhood;  
14 the project site is occupied by an existing three-story, single-family residence (constructed in  
15 1908) that is approximately 2,844 square feet in size at the rear of the lot and an existing  
16 approximately 12-foot-tall, 512-square-foot, two-car parking structure (constructed in 1999)  
17 located at the front of the project site; immediately east of the project site is the Yick Wo  
18 Alternative Elementary School playground that is approximately 13 feet lower in elevation than  
19 the project site; the change in elevation between the project site and the playground is  
20 supported by a retaining wall ranging between 6 to 10 feet that extends the length of the  
21 schoolyard; the subject block of Lombard Street consists predominantly of three-story over  
22 basement multi-unit residential buildings; the project site is located approximately 290 feet  
23 downhill from the famed winding section of Lombard Street, where three to four story single  
24 family homes are common; and

25

1           WHEREAS, The Project proposes to demolish the parking structure at the front of the  
2 lot and construct a new 40-foot-tall, 4,828-gross-square-foot, single-family dwelling with four  
3 bedrooms and two off-street parking spaces at the ground-floor level; the Project includes a 5-  
4 foot setback from the east property line for the entire fourth floor; the Project would remove  
5 approximately five trees from the rear yard and would retain three trees, including the street  
6 tree in front of the project site; the Project would provide a Planning Code-compliant rear yard  
7 (equal to 25 percent of the depth of the lot) between the proposed home and the existing  
8 house at the rear of the property; the proposed roof would include a 5-foot-wide “green”  
9 landscaped area along the eastern building wall with a deck located towards the center of the  
10 roof; the proposed buildings would be supported on spread footings with drilled piers along  
11 the east property line; the Project would require approximately 36 cubic yards of excavation to  
12 a depth of approximately three feet below ground surface; construction is expected to last  
13 approximately 12 months; and

14           WHEREAS, Pursuant to Article 19 of the CEQA Guidelines (California Code of  
15 Regulations, Title 14, Division 6, Chapter 3, Article 19, Sections 15300-15333), on April 19,  
16 2023 the Planning Department found that the proposed Project is exempt from the California  
17 Environmental Quality Act (CEQA) as a Class 1 and Class 3 categorical exemption  
18 (“exemption determination”); and

19           WHEREAS, On June 29, 2023, the San Francisco Planning Commission (hereinafter  
20 “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on  
21 Discretionary Review Application 2021-007262DRP-02, declined to take Discretionary Review  
22 and approved the Project; and

23           WHEREAS, On July 28, 2023, Martin Lee Eng (“Appellant”) filed an appeal with the  
24 Office of the Clerk of the Board of Supervisors of the exemption determination; and

25

1 WHEREAS, By memorandum to the Clerk of the Board dated August 4, 2023, the  
2 Planning Department's Environmental Review Officer determined that the appeal was timely  
3 filed; and

4 WHEREAS, On September 12, 2023, this Board held a duly noticed public hearing to  
5 consider the appeal of the exemption determination filed by Appellant; and

6 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
7 reviewed and considered the exemption determination, the appeal letter, the responses to the  
8 appeal documents that the Planning Department prepared, the other written records before  
9 the Board of Supervisors and all of the public testimony made in support of and opposed to  
10 the exemption determination appeal; and

11 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
12 conditionally reversed the exemption determination for the Project subject to the adoption of  
13 written findings of the Board in support of such determination based on the written record  
14 before the Board of Supervisors as well as all of the testimony at the public hearing in support  
15 of and opposed to the appeal; and

16 WHEREAS, The written record and oral testimony in support of and opposed to the  
17 appeal and the oral and written testimony at the public hearing before the Board of  
18 Supervisors by all parties and the public in support of and opposed to the appeal of the  
19 exemption determination, including the deliberations by the members of the Board, is in the  
20 Clerk of the Board of Supervisors File No. 230886, and is incorporated in this motion as  
21 though set forth in its entirety; now, therefore, be it

22 MOVED, That the Board of Supervisors conditionally reverses the determination by the  
23 Planning Department that the project is exempt from environmental review, subject to the  
24 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 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):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: