

1 [Adopting findings related to disapproving the categorical exemption issued for the 2626  
2 Filbert Street project.]

3 **Motion adopting findings related to disapproving the determination by the Planning**  
4 **Department that the 2626 Filbert Street project is categorically exempt from**  
5 **environmental review under the California Environmental Quality Act.**

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7 The Planning Department determined, on or around August 26, 2008, that a proposal  
8 to demolish an existing single-family residential building and construct a new three-story-over  
9 basement single-family residence with two off-street parking spaces on the ground floor at  
10 2626 Filbert Street (the "Project") was categorically exempt (the "determination") from the  
11 California Environmental Quality Act ("CEQA"). By letter to the Clerk of the Board of  
12 Supervisors dated November 21, 2008, Brooke Sampson and Lori Brooke, on behalf of the  
13 Cow Hollow Association, filed an appeal of the determination to the Board of Supervisors,  
14 which the Clerk of the Board of Supervisors received on or around November 21, 2008.

15 On December 16, 2008, this Board held a duly noticed public hearing to consider the  
16 appeal of the determination and following the public hearing disapproved the determination of  
17 the Planning Department that the Project is categorically exempt from CEQA.

18 In reviewing the appeal of the categorical exemption determination, this Board  
19 reviewed and considered the written record before the Board and all of the public comments  
20 made in support of and opposed to the appeal. Following the conclusion of the public  
21 hearing, the Board disapproved the Planning Department's categorical exemption  
22 determination for 2626 Filbert Street based on the written record before the Board as well as  
23 all of the testimony at the public hearing in support of and opposed to the appeal. Said Motion  
24 and written record is in the Clerk of the Board of Supervisors File No. 081530 and is  
25 incorporated herein as though set forth in its entirety.

1 In regard to said decision, this Board made certain findings specifying the basis for its  
2 decision to disapprove the Planning Department's approval of the determination for 2626  
3 Filbert Street based on the whole record before the Board including the written record in File  
4 No. 081530, which is hereby declared to be a part of this motion as if set forth fully herein; the  
5 written submissions to and official written records of the Planning Department determination  
6 related to the 2626 Filbert Street project; the official written and oral testimony at and audio  
7 and video records of the public hearing in support of and opposed to the appeal and  
8 deliberation of the oral and written testimony at the public hearing before the Board of  
9 Supervisors by all parties and the public in support of and opposed to the appeal of the  
10 categorical exemption.

11 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
12 County of San Francisco finds that Appellant has presented additional evidence to support a  
13 determination that the existing building is an historic resource under California Register  
14 criterion 2, because the building was the residence for more than 40 years of George  
15 Habenicht, a San Francisco photographer, and criterion 3, because it was designed by the  
16 architect Earle B. Bertz, who designed much of the Sea Cliff area of San Francisco. The  
17 Planning Department did not have this evidence at the time of its exemption determination.

18 FURTHER MOVED, That the Board of Supervisors finds that Appellant has  
19 presented additional evidence that the existing building is a contributor to a historic district in  
20 the Cow Hollow neighborhood as a good, intact example of a Mediterranean Revival-style  
21 residence. The Planning Department did not take this additional evidence into consideration  
22 in its exemption determination.

23 FURTHER MOVED, That the Board of Supervisors finds that the Planning Department  
24 should re-evaluate its conclusion that the building is not an historic resource after taking into  
25 consideration the additional evidence presented by the Appellant. Following such re-

1 evaluation, the Planning Department should prepare either a new exemption determination or  
2 a negative declaration or environmental impact report as may be required by CEQA, taking  
3 into account all of the evidence presented to the Board and any further evidence presented to  
4 the Planning Department.

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