

1 [Findings Reversing the Categorical Exemption Determination - 476 Lombard Street]

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3 **Motion adopting findings to reverse the determination by the Planning Department that**
4 **the proposed project at 476 Lombard Street is categorically exempt from further**
5 **environmental review.**

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7 WHEREAS, On July 15, 2020, the Planning Department (“Department”) issued a
8 CEQA Categorical Exemption Determination for the proposed project located at 476 Lombard
9 Street (“Project”) under the California Environmental Quality Act (Public Resources Code,
10 Section 2100 et seq., "CEQA"), the CEQA Guidelines (California Code of Regulations, Title
11 14, Division 6, Chapter 3, Sections 15300-15333), and San Francisco Administrative Code,
12 Chapter 31; and

13 WHEREAS, The Project site is located on the north side of Lombard Street between
14 Stockton Street and Grant Avenue, in the North Beach neighborhood, on a 27’-6” wide by 100’
15 deep 2,750 square-foot (sf) up-sloping lot; and

16 WHEREAS, The lot contains an existing three-story, 1,638 sf single-family residence
17 built in 1926, which the Department determined is an individual historic resource for the
18 purpose of CEQA review; and

19 WHEREAS, The Project proposes horizontal additions to the existing single-family
20 dwelling; the second-floor residential addition would increase the building depth toward the
21 rear of the property and also include a rear-facing roof deck; the third-floor addition would
22 enlarge the existing third floor toward the front of the building with a setback of 12’-10” from
23 the front façade, capture space in front of the addition for roof deck area, and provide a third
24 floor rear-facing deck; above the third-floor addition would be a rooftop deck; the Project

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1 would include the infill of two light wells on the west façade; the Project would also include a
2 new elevator and two off-street parking spaces; and

3 WHEREAS, As part of its review of the Project, the Department issued a Historic
4 Resource Evaluation Response, Part II, which concluded that the Project would meet the
5 Secretary of the Interior’s Standards for Rehabilitation; therefore, the Department determined
6 that the Project would not result in an impact on historical resources; and

7 WHEREAS, The Historic Resource Evaluation Response, Part II did not identify the
8 two light wells, the west façade or the rear roof structure as character-defining features of the
9 historic resource; and

10 WHEREAS, On July 15, 2020, the Department issued a Categorical Exemption for the
11 Project, finding that the proposed project is exempt from CEQA as a Class 1 Categorical
12 Exemption (alteration and addition to an existing structure) and that no further environmental
13 review was required; and

14 WHEREAS, On January 28, 2021, the San Francisco Planning Commission conducted
15 a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review
16 Application No. 2018-017283DRP; the Commission did not find exceptional or extraordinary
17 circumstances surrounding the Project and did not take discretionary review on the Project,
18 which constituted the approval action for the project under CEQA; and

19 WHEREAS, On February 25, 2021, Susan Brandt-Hawley of Brandt-Hawley Law
20 Group, on behalf of Barbara and Arrigo Sturla (hereinafter Appellant) filed an appeal of the
21 categorical exemption determination, relying on the exception provided in Section 15300.2 (f)
22 of the CEQA Guidelines that a “categorical exemption shall not be used for a project which
23 may cause a substantial adverse change in the significance of a historical resource;” and
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1 WHEREAS, By memorandum to the Clerk of the Board dated March 3, 2021, the
2 Planning Department's Environmental Review Officer determined that the appeal was timely
3 filed; and

4 WHEREAS, On April 13, 2021, this Board held a duly noticed public hearing to
5 consider the appeal of the exemption determination filed by Appellant; and

6 WHEREAS, Appellant and members of the public presented evidence and testimony at
7 the hearing that the two light wells on the west façade, the west façade and the rear roof
8 structure may be character-defining features of the building, and that the Project, by altering
9 or removing those features, may cause a substantial adverse change in the significance of the
10 historic resource; and

11 WHEREAS, Under Section 21084 of CEQA and Sections 15064.5 and 15300.2 of the
12 CEQA Guidelines, a categorical exemption cannot be relied upon to approve a project that
13 may cause a substantial adverse change in the significance of a historic resource; and

14 WHEREAS, In reviewing the appeal of the exemption determination, this Board
15 reviewed and considered the exemption determination, the appeal letter, the responses to the
16 appeal documents that the Planning Department prepared, the other written records before
17 the Board of Supervisors and all of the public testimony made in support of and opposed to
18 the exemption determination appeal; and

19 WHEREAS, Following the conclusion of the public hearing, in Motion No. M21-60, the
20 Board of Supervisors reversed the determination that the Project is categorically exempt,
21 subject to the adoption of written findings of the Board in support of such determination based
22 on the written record before the Board of Supervisors as well as all of the testimony at the
23 public hearing in support of and opposed to the appeal; and

24 WHEREAS, The written record and oral testimony in support of and opposed to the
25 appeal and deliberation of the oral and written testimony at the public hearing before the

1 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
2 the exemption determination is in the Clerk of the Board of Supervisors File No. 210235 and is
3 incorporated in this Motion as though set forth in its entirety; now, therefore, be it

4 MOVED, That this Board of Supervisors reverses the determination by the Planning
5 Department that the Project is categorically exempt from CEQA, as the record before the
6 Board of Supervisors includes substantial evidence that the light wells on the west façade and
7 the roof structure are character-defining features of the Project that would be altered or
8 destroyed by the Project and that, therefore, the Project may cause a substantial adverse
9 change in the significance of a historic resource; and, be it

10 FURTHER MOVED, That this Board directs the Planning Department to set aside the
11 Categorical Exemption and require an appropriate level of environmental review to comply
12 with CEQA before further consideration of Project approval.

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