

File No. 230889

Committee Item No. _____

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 12, 2023

Cmte Board

- Motion
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- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Jocelyn Wong

Date: September 7, 2023

Prepared by: _____

Date: _____

1 [Preparation of Findings to Reverse the Exemption Determination - 939 Lombard Street]

2

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 939 Lombard Street is exempt**
5 **from further environmental review.**

6

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

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

24 WHEREAS, The Project proposes to demolish the parking structure at the front of the
25 lot and construct a new 40-foot-tall, 4,828-gross-square-foot, single-family dwelling with four

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

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

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

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

23 WHEREAS, By memorandum to the Clerk of the Board dated August 4, 2023, the
24 Planning Department’s Environmental Review Officer determined that the appeal was timely
25 filed; and

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

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

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

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

19 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
20 findings specifying the basis for its decision on the appeal of the determination by the
21 Planning Department that the project is exempt from environmental review.

22
23 n:\land\as2020\1900434\01703370.docx

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: