

1 [Adopting findings related to the appeal of the negative declaration issued by the Planning  
2 Department for the 701 Lombard Street project.]

3 **Motion adopting findings related to the appeal of the negative declaration issued by the**  
4 **Planning Department on January 15, 2003 for 701 Lombard Street project.**

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6 On December 21, 2002, the Environmental Review Officer of the Planning Department  
7 issued a preliminary mitigated negative declaration for 701 Lombard Street in accordance with  
8 the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco  
9 Administrative Code Chapter 31.

10 On January 15, 2003, the Environmental Review Officer of the Planning Department  
11 issued a final mitigated negative declaration for 701 Lombard Street ("negative declaration") in  
12 accordance with Administrative Code Section 31.11(h). A copy of said document is on file  
13 with the Clerk of the Board of Supervisors in File No. 031840 and is incorporated by  
14 reference herein.

15 On November 6, 2003, the Clerk of the Board received a facsimile of an appeal of the  
16 negative declaration from the Telegraph Hill Dwellers Association ("Appellant"), with original  
17 correspondence received on November 10, 2003.

18 This Board held a duly noticed public hearing on December 16, 2003, to consider the  
19 negative declaration appeal filed by Appellant. Following the conclusion of the public hearing,  
20 the Board reversed the Planning Department's issuance of the negative declaration for 701  
21 Lombard Street based on the whole record before the Board including the written record in  
22 File No. 031840, which is hereby declared to be a part of this motion as if set forth fully herein,  
23 as well as the written submissions to, public testimony at, and official written, video and audio  
24 records of the Planning Department determination on the negative declaration and  
25 subsequent determinations of the Planning Commission, the Zoning Administrator and the

1 Board of Appeals related to the 701 Lombard Street project, and deliberation of the oral and  
2 written testimony at the public hearing before the Board of Supervisors by all parties and the  
3 public in support of and opposed to the appeal of the negative declaration.

4 MOVED, That the Board of Supervisors finds that the negative declaration is  
5 inadequate and incomplete in its consideration of the environmental context and setting and  
6 that there appears to be substantial evidence to support a fair argument that the project may  
7 have potentially significant environmental effects, including (1) degrading or limiting important  
8 scenic views and vistas now observed from public areas; (2) having negative aesthetic and  
9 visual impacts; (3) shading of the North Beach Joe DiMaggio Playground; and (4) adversely  
10 affecting a resource of historic and cultural importance to the City.

11 FURTHER MOVED, That the Board of Supervisors finds that the negative declaration  
12 is inadequate in its analysis of the project's potential for substantial demonstrable negative  
13 aesthetic effects and potential to substantially degrade or obstruct scenic views and vistas  
14 now observed from public areas and that the information contained in the negative declaration  
15 does not adequately support the conclusion by the Planning Department that the project will  
16 not have any significant visual impacts.

17 FURTHER MOVED, That the Board of Supervisors finds that the negative declaration  
18 is inadequate in its analysis of the project's context in that it did not consider whether the  
19 adjacent North Beach Joe DiMaggio Playground may qualify as an historic or cultural  
20 resource and, therefore, failed to address whether the height of the proposed project may  
21 have a significant adverse effect on the park and its surroundings in that it will shade park  
22 features and limit park views and vistas.

23 FURTHER MOVED, That the Board of Supervisors finds that the negative declaration  
24 is inadequate in its analysis of the impacts of shadows that the project will cast on the North  
25 Beach Joe DiMaggio Playground and that the information contained in the negative

1 declaration does not adequately support its conclusion that the additional shadow cast on the  
2 park by the project, including additional shadow on the tennis courts and bocce ball courts, is  
3 not a significant impact.

4 FURTHER MOVED, That the Board of Supervisors finds that the negative declaration  
5 should have disclosed and considered the fact that the project site is subject to a recorded  
6 notice of special restriction under the City's Planning Code, and that the negative declaration  
7 is further inadequate in that it does not adequately explain its conclusion that the project does  
8 not conflict with the City's General Plan policies that relate to physical environmental issues.

9 FURTHER MOVED, That the Board of Supervisors directs the Planning Department to  
10 reevaluate the project based on the findings set forth above and in light of the whole record, to  
11 determine whether substantial evidence supports a fair argument that the project may have  
12 potentially significant environmental effects; if not, to revise the negative declaration in light of  
13 the findings set forth above; if so, to prepare an environmental impact report that discloses  
14 and considers the notice of special restriction recorded on the site; further examines the visual  
15 impacts of the project both as to whether important scenic views and vistas now observed  
16 from public areas will be degraded or limited and as to the project's potential negative  
17 aesthetic and visual impacts; determines whether the North Beach Joe DiMaggio Playground  
18 is an important historic or cultural resource and if so, considers the effects of the project on  
19 this resource; further examines whether the additional shadows cast on the Park by the  
20 project result in a significant impact; and provides an objective analysis of mitigation and a  
21 reasonable range of alternatives.

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