

File No. 210621

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

Board Item No. 19

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

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

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

Board of Supervisors Meeting

Date: June 29, 2021

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- 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: June 25, 2021

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

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

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

2

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.**

6

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  
24  
25

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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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only