

1 [Affirming the Categorical Exemption Determination - 939 Lombard Street]

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3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 939 Lombard Street is categorically exempt from further environmental**
5 **review.**

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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

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1 WHEREAS, The Project proposes to demolish the parking structure at the front of the
2 lot and construct a new 40-foot-tall, 4,828-gross-square-foot, single-family dwelling with four
3 bedrooms and two off-street parking spaces at the ground-floor level; the Project includes a 5-
4 foot setback from the east property line for the entire fourth floor; the Project would remove
5 approximately five trees from the rear yard and would retain three trees, including the street
6 tree in front of the project site; the Project would provide a Planning Code-compliant rear yard
7 (equal to 25 percent of the depth of the lot) between the proposed home and the existing
8 house at the rear of the property; the proposed roof would include a 5-foot-wide “green”
9 landscaped area along the eastern building wall with a deck located towards the center of the
10 roof; the proposed buildings would be supported on spread footings with drilled piers along
11 the east property line; the Project would require approximately 36 cubic yards of excavation to
12 a depth of approximately three feet below ground surface; construction is expected to last
13 approximately 12 months; and

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

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

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

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1 WHEREAS, By memorandum to the Clerk of the Board dated August 4, 2023, the
2 Planning Department's Environmental Review Officer determined that the appeal was timely
3 filed; and

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

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

11 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
12 affirmed the exemption determination for the Project based on the written record before the
13 Board of Supervisors as well as all of the testimony at the public hearing in support of and
14 opposed to the appeal; and

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

21 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
22 reference in this motion, as though fully set forth, the exemption determination; and, be it

23 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
24 record before it there are no substantial project changes, no substantial changes in project
25 circumstances, and no new information of substantial importance that would change the

1 conclusions set forth in the exemption determination by the Planning Department that the
2 Project is exempt from environmental review; and, be it

3 FURTHER MOVED, That after carefully considering the appeal of the exemption
4 determination, including the written information submitted to the Board of Supervisors and the
5 public testimony presented to the Board of Supervisors at the hearing on the exemption
6 determination, this Board concludes that the Project qualifies for an exemption determination
7 under CEQA.

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