File No. 110505 Committee Item No. _____
Board Item No. 15

COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Joy Lamug Date May 12, 2011
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

[Findings – 1268 Lombard Street]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18279, approving Conditional Use Application 2009.1029C on property located at 1268 Lombard Street.

WHEREAS, the Planning Commission issued a decision by Motion No. 18279 dated February 17, 2011, approving Conditional Use Application No. 2009.1029C subject to certain conditions, to allow new construction of four dwelling units at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District, on property located at 1268 Lombard Street, Lot No. 015 in Assessor's Block No. 0500; and

WHEREAS, said determination was timely appealed to the Board of Supervisors on March 21, 2011, by Marvin Frankel on behalf of Russian Hill Neighbors;

WHEREAS, on May 3, 2011, the Board conducted a duly noticed public hearing on the appeal from the Planning Commission's approval referred to in the first paragraph of this motion; and

WHEREAS, at the hearing on May 3, 2011, the appellant and project sponsor represented that they had reached an agreement that appellant would not pursue its appeal if the project sponsor consented to the addition of the additional conditions described above. Said agreement was presented to the Board and is on file in Board File No. 110373. Further, during the public hearing on this appeal, held May 3, 2011, both parties agreed to waive the opportunity to make additional presentation to the Board and no member of the public addressed the Board during the public hearing; and

WHEREAS, Following the conclusion of the public hearing on May 3, 2011, the Board, by unanimous vote, disapproved the decision of the Planning Commission (Planning Commission Motion No. 18279 dated February 17, 2011) and approved the issuance of requested Conditional Use Application No. 2009.1029C, subject to the conditions imposed by the Planning Commission in its Motion No. 18279, and further subject to the following additional conditions imposed by the Board of Supervisors:

Added to Condition #1 Authorization:

A. Elevator Penthouse

(1) Elevator penthouse-maximum height of elevator penthouse above roof to be 14'-10".

(2) Additional steps to further lower the height of the elevator penthouse. Subject to approval by all necessary state and local agencies, the mandated steel beam shall be built in the joist bay, thus lowering roof of the elevator penthouse further. If the project sponsor can demonstrate in writing that such approvals cannot be obtained, this condition shall not apply.

B. Front stair penthouse will be replaced by open air stairs with solid guardrails not to exceed 3'-6" above walking deck structure. Where guardrails are to be no closer than 11' to "H" on plans A-3.2.

C. Height of the Building:

(1) At the top of eave, 3'-0" south of column line "H" is not to exceed 36'-6" above sidewalk curb at center line of property. (See roof plan A-1.7 and section A.3.1).

(2) At 4'- 6" south of column line "E" is not to exceed 37'-6" above sidewalk curb at center line of property. (See roof plan A-1.7 and section A.3.1).

(3) Roof to slope between two points above (see C (1)-(2)).

NOW, THEREFORE, BE IT MOVED, that the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 18279 dated February 17, 2011, approving Conditional Use Application No. 2009.1029C; and

FURTHER MOVED, That the Board of Supervisors took notice that Planning found the Project categorically exempt from environmental review under the California Environmental Quality Act (CEQA) on February 11, 2011. Specifically, the Planning Department found the project exempt as a Class 3 categorical exemption pursuant to CEQA. The Board finds that there have been no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the determination that the Project is categorically exempt from environmental review under CEQA.