**BOARD of SUPERVISORS**

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# MEMORANDUM

Date: July 8, 2024

To: Planning Department/Planning Commission

From: John Carroll, Assistant Clerk, Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 240725
Planning Code - Landmark Designation - Rainbow Flag at Harvey Milk Plaza

☒ California Environmental Quality Act (CEQA) Determination
*(California Public Resources Code, Sections 21000 et seq.)*
☒ Ordinance / Resolution
☐ Ballot Measure

The project was determined to be categorically exempt under CEQA Guidelines Section 15308 on 5/6/2024 (Planning Case 2023-003679PRJ).

7/25/2024

☐ Amendment to the Planning Code, including the following Findings:
*(Planning Code, Section 302(b): 90 days for Planning Commission review)*
☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
*(Board Rule 3.23: 30 days for possible Planning Department review)*

☐ General Plan Referral for Non-Planning Code Amendments
*(Charter, Section 4.105, and Administrative Code, Section 2A.53)*
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission
☐ Landmark *(Planning Code, Section 1004.3)*
☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
☐ Mills Act Contract *(Government Code, Section 50280)*
☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

San Francisco Planning

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# CEQA Exemption Determination

## PROPERTY INFORMATION/PROJECT DESCRIPTION

| Project Address | | Block/Lot(s) |
|---|---|---|
| Rainbow Flag by Gilbert Baker | | |
| **Case No.** | | **Permit No.** |
| 2023-003679PRJ | | |
| ☐ **Addition/ Alteration** | ☐ **Demolition (requires HRE for Category B Building)** | ☐ **New Construction** |

**Project description for Planning Department approval.**

Landmark Designation - Rainbow Flag by Gilbert Baker

## EXEMPTION TYPE

**The project has been determined to be exempt under the California Environmental Quality Act (CEQA).**

| | |
|---|---|
| ☐ | **Class 1 - Existing Facilities.** **(CEQA Guidelines section 15301)** Interior and exterior alterations; additions under 10,000 sq. ft. |
| ☐ | **Class 3 - New Construction.** **(CEQA Guidelines section 15303)** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU. |
| ☐ | **Class 32 - In-Fill Development.** **(CEQA Guidelines section 15332)** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:<br>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.<br>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.<br>(c) The project site has no value as habitat for endangered rare or threatened species.<br>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.<br>(e) The site can be adequately served by all required utilities and public services. |
| ■ | **Other ____**<br>Class 8 - Actions by Regulatory Agencies for Protection of the Environment |
| ☐ | **Common Sense Exemption (CEQA Guidelines section 15061(b)(3)).** It can be seen with certainty that there is no possibility of a significant effect on the environment. |

## ENVIRONMENTAL SCREENING ASSESSMENT

| **Comments:** |
|---|
| |
| **Planner Signature:** Don Lewis |

## PROPERTY STATUS - HISTORIC RESOURCE

| **PROPERTY IS ONE OF THE FOLLOWING:** | |
|---|---|
| ■ | **Category A:** Known Historical Resource. |
| ☐ | **Category B:** Potential Historical Resource (over 45 years of age). |
| ☐ | **Category C:** Not a Historical Resource or Not Age Eligible (under 45 years of age). |

## PROPOSED WORK CHECKLIST

| **Check all that apply to the project.** | |
|---|---|
| ☐ | **Change of use and new construction.** Tenant improvements not included. |
| ☐ | **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building. |
| ☐ | **Window replacement** that meets the Department's *Window Replacement Standards*. |
| ☐ | **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. |
| ☐ | **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way. |
| ☐ | **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way. |
| ☐ | **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows*. |
| ☐ | **Addition(s)** not visible from any immediately adjacent public right-of-way for 150 feet in each direction; or does not extend vertically beyond the floor level of the top story of the structure, or does not cause the removal of architectural significant roofing features. |
| ☐ | **Façade or storefront alterations** that do not remove, alter, or obscure character -defining features. |
| ☐ | **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings. |
| **Note: Project Planner must check box below before proceeding.** | |
| ■ | Project is not listed. |
| ☐ | Project involves scope of work listed above. |

## ADVANCED HISTORICAL REVIEW

**Check all that apply to the project.**

☐ **Reclassification of property status**. *(Attach HRER Part I relevant analysis; requires Principal Preservation Planner approval)*

- ☐ Reclassify to Category A
- ☐ Reclassify to Category C
- ☐ Lacks Historic Integrity
- ☐ Lacks Historic Significance

■ Project involves a **known historical resource (CEQA Category A)**

■ Project does not substantially impact character-defining features of a historic resource (see Comments)

☐ Project is compatible, yet differentiated, with a historic resource.

☐ Project consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties

**Note: If ANY box above is checked, a Preservation Planner MUST sign below.**

■ **Project can proceed with EXEMPTION REVIEW**. The project has been reviewed by the Preservation Planner and can proceed with exemption review.

**Comments by Preservation Planner:**
Landmark designation - no work.

**Preservation Planner Signature:** Moses Corrette

## EXEMPTION DETERMINATION

■ **No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.**

| **Project Approval Action:** | **Signature:** |
|---|---|
| Board of Supervisors approval of landmark designation | Moses Corrette<br>05/06/2024 |
| | |

Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/pim/. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link.

Once signed and dated, this document constitutes an exemption pursuant to CEQA Guidelines and chapter 31 of the San Francisco Administrative Code. Per chapter 31, an appeal of an exemption determination to the Board of Supervisors shall be filed within 30 days after the approval action occurs at a noticed public hearing, or within 30 days after posting on the planning department's website (https://sfplanning.org/resource/ceqa-exemptions) a written decision or written notice of the approval action, if the approval is not made at a noticed public hearing.