

1 [Disapproving the categorical exemption issued for 937-939 Jackson Street.]

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3 **Motion disapproving the determination by the Planning Department that the proposed**
4 **project located at 937-939 Jackson Street is categorically exempt from the California**
5 **Environmental Quality Act as an in-fill development project and as a general rule**
6 **exclusion.**

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8 WHEREAS, On September 30, 2003, the Planning Department determined that the
9 proposed work at 937-939 Jackson Street was exempt from review under the California
10 Environmental Quality Act (“CEQA”) pursuant to the categorical exemption contained in the
11 CEQA Guidelines, 14 California Code of Regulations Section 15332 as an in-fill development
12 project and pursuant to CEQA Guidelines Section 15061(b)(3) as a general rule exclusion;
13 and,

14 WHEREAS, The Planning Department determined that proposed project met all of the
15 conditions of CEQA Guidelines Section 15332 in that it is consistent with the General Plan, is
16 located on a site of no more than five acres substantially surrounded by urban uses, has no
17 value as a habitat for endangered, rare or threatened species, would not result in any
18 significant effects relating to traffic, noise, air quality or water quality, and could be adequately
19 served by all required utilities and public services, as all of these issues are discussed in the
20 Certificate of Determination of Exemption/Exclusion from Environmental Review contained in
21 Board of Supervisors File No. 031905; and

22 WHEREAS, The Planning Department also determined that the proposed project would
23 not have significant effects related to visual quality, shadow impacts, geology or hazardous
24 materials, including asbestos and lead-based paint, as discussed in the Certificate of
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1 Determination of Exemption/Exclusion from Environmental Review contained in Board of
2 Supervisors File No. 031905; and

3 WHEREAS, The Planning Department also determined that there were no unusual
4 circumstances present which would preclude use of a categorical exemption, as set forth in
5 the Certificate of Determination of Exemption/Exclusion from Environmental Review contained
6 in Board of Supervisors File No. 031905; and

7 WHEREAS, The Planning Department further determined that the proposed work was
8 excluded from environmental review under CEQA Guidelines Section 15061(b)(3) because it
9 can be seen with certainty that the proposed project would not have a significant effect on the
10 environment, as set forth in the Certificate of Determination of Exemption from Environmental
11 Review contained in Board of Supervisors File No. 031905; and

12 WHEREAS, On November 17, 2003 a group of residents and property owners in the
13 vicinity of the project appealed the Planning Department's determination that the proposed
14 project was exempt from CEQA review; and,

15 WHEREAS, On December 16, 2003 this Board held a duly noticed public hearing on
16 the appeal and considered all of the testimony at the public hearing as well as all of the
17 information contained in Board of Supervisors in File No. 031905, which is hereby declared to
18 be a part of this motion as if set forth fully herein; now, therefore, be it

19 MOVED, This Board hereby disapproves the categorical exemption issued by the
20 Planning Department.

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