

1 [Adopting findings related to affirming the categorical exemption issued for the 1135-1139
2 Green Street project.]

3 **Motion adopting findings related to affirming the determination by the Planning**
4 **Department that the 1135-1139 Green Street project is categorically exempt from**
5 **environmental review under the California Environmental Quality Act.**

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7 WHEREAS, On April 10, 2007, the Environmental Review Office of the San Francisco
8 Planning Department issued a certificate of determination of exemption/exclusion from
9 environmental review (the "determination") in compliance with the California Environmental
10 Quality Act ("CEQA") for a proposal to add a new basement and construct an underground
11 parking garage for five vehicles under three existing two-story townhouses at 1135-1139
12 Green Street (the "Project"); and,

13 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 29, 2007,
14 Jamie Cherry, on behalf of the Russian Hill Community Association (the "Appellant") filed an
15 appeal of the determination to the Board of Supervisors, which the Clerk of the Board of
16 Supervisors received on or around May 30, 2007; and,

17 WHEREAS, On July 10, 2007, this Board held a duly noticed public hearing to consider
18 the appeal of the determination and following the public hearing affirmed the determination of
19 the Planning Department that the Project is categorically exempt from CEQA; and,

20 WHEREAS, In reviewing the appeal of the categorical exemption determination, this
21 Board reviewed and considered the written record before the Board and all of the public
22 comments made in support of and opposed to the appeal. Following the conclusion of the
23 public hearing, the Board affirmed the Planning Department's categorical exemption
24 determination related to the abovementioned project based on the written record before the
25 Board as well as all of the testimony at the public hearing in support of and opposed to the

1 appeal. Said Motion and written record is in the Clerk of the Board of Supervisors File No.
2 070789 and is incorporated herein as though set forth in its entirety; and,

3 WHEREAS, In regard to said decision, this Board affirmed the Planning Department's
4 approval of the determination for the Project based on the whole record before the Board
5 including the written record in File No. 070789, which is hereby declared to be a part of this
6 motion as if set forth fully herein; the written submissions to and official written records of the
7 Planning Department determination related to the Project; the official written and oral
8 testimony at and audio and video records of the public hearing in support of and opposed to
9 the appeal and deliberation of the oral and written testimony at the public hearing before the
10 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
11 the categorical exemption; now, therefore be it

12 MOVED, That the Board of Supervisors of the City and County of San Francisco
13 hereby adopts as its own and incorporates by reference herein, as though fully set forth, the
14 determination made by the Planning Department on April 10, 2007; and, be it

15 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
16 record before it there are no substantial Project changes, no substantial changes in Project
17 circumstances, and no new information of substantial importance that would change the
18 conclusions set forth in the determination by the Planning Department that the proposed
19 Project is exempt/excluded from environmental review; and, be it

20 FURTHER MOVED, That after carefully considering the appeal of the categorical
21 exemption, including the written information submitted to the Board and the public testimony
22 presented to the Board at the hearing on July 10, 2007, this Board concludes that the Project
23 qualifies for a categorical exemption under CEQA Guidelines Section 15301(e); and, be it

24 FURTHER MOVED, That the Board finds that there are no special circumstances
25 present in this case that would require the preparation of a negative declaration or an

1 environmental impact report for the Project under the California Environmental Quality Act and
2 CEQA Guidelines.

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