

1 [Findings for disapproval of the categorical exemption issued for 937-939 Jackson Street.]

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

19 WHEREAS, On December 16, 2003 this Board disapproved the categorical exemption
20 issued by the Planning Department; now, therefore, be it

21 MOVED, This Board disapproves the categorical exemption issued by the Planning
22 Department for the following reasons: (1) The categorical exemption reports incorrect
23 information about the cable car lines in the vicinity. The environmental analysis should
24 examine the impact of the proposed project in light of correct information about the cable car
25 lines and level of service in the vicinity. (2) Given the existing congested condition of the

1 area, pedestrian and traffic safety issues should be further examined at different times of the
2 day and not simply at “peak” hours. (3) The impact of demolition and construction on air
3 quality in the area should be further studied, particularly with respect to asbestos and lead.
4 (4) The impact of the proposed project on the Chinatown branch public library should be
5 examined. (5) Given the change in size of the building, aesthetic impacts, impacts on
6 neighborhood character, and impacts on sunlight, air circulation and open space should be
7 further studied. (6) Given the extremely constrained parking availability in the area, the
8 environmental analysis should examine closely the impact of the parking shortage on traffic
9 circulation and safety in the area.

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