

1 [Adopting findings related to affirming the categorical exemption issued for the 538 Laidley
2 Street project.]

3 **Motion adopting findings related to affirming the determination by the Planning**
4 **Department that the project at 538 Laidley Street is categorically exempt from**
5 **environmental review under the California Environmental Quality Act ("CEQA").**
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7 WHEREAS, On May 31, 2006, the Environmental Review Officer of the San Francisco
8 Planning Department issued a certificate of determination of exemption from environmental
9 review (the "determination") for a proposal to construct a three-story over garage single-family
10 residence on a vacant lot zoned RH-1 in a 40-X height and bulk district located at 538 Laidley
11 Street (the "Project"). A copy of said document is on file with the Clerk of the Board of
12 Supervisors in File No. 061591, and is incorporated by reference herein; and,

13 WHEREAS, By letter to the Clerk of the Board of Supervisors dated November 15,
14 2006, Ian Haddow ("Appellant"), filed an appeal of the determination to the Board of
15 Supervisors, which the Clerk of the Board of Supervisors received on or around November 15,
16 2006; and,

17 WHEREAS, On December 12, 2006, this Board held a duly noticed public hearing to
18 consider the appeal of the determination. Following the conclusion of the public hearing, the
19 Board affirmed the determination of the Planning Department that the Project is categorically
20 exempt from CEQA in Motion No. M06-137, a copy of which is on file with the Clerk of
21 the Board of Supervisors in File No. 061592; and,

22 WHEREAS, In reviewing the appeal of the categorical exemption determination, the
23 Board reviewed and considered the written record before it. Further, at the December 12,
24 2006 hearing, the President of the Board announced that the Appellant had requested that the
25 CEQA appeal be withdrawn and no member of the public testified at the public hearing.

1 Following the conclusion of the public hearing, the Board affirmed the Planning Department's
2 categorical exemption determination for the Project based on the written record before the
3 Board. Said Motion and written record are in the Clerk of the Board of Supervisors File No.
4 061591 and are incorporated herein as though set forth in their entirety; and,

5 WHEREAS, In regard to said decision, this Board made certain findings specifying the
6 basis for its decision to affirm the Planning Department's approval of the determination for the
7 Project based on the whole record before the Board including the written record in File No.
8 061591, which is hereby declared to be a part of this motion as if set forth fully herein; the
9 written submissions to and official written records of the Planning Department determination
10 related to the Project; the official written and oral testimony at and audio and video records of
11 the public hearing in support of and opposed to the appeal and deliberation of the oral and
12 written testimony at the public hearing before the Board of Supervisors; now, therefore, be it

13 MOVED, That the Board of Supervisors of the City and County of San Francisco
14 hereby adopts as its own and incorporates by reference herein, as though fully set forth, the
15 determination made by the Planning Department on May 31, 2006 regarding the Project; and,
16 be it

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

22 FURTHER MOVED, That after carefully considering the appeal of the categorical
23 exemption, including the written information submitted to the Board and the absence of public
24 testimony at the Board's hearing on December 12, 2006, this Board concludes that the Project
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1 qualifies for the categorical exemption set forth in the Planning Department determination;
2 and, be it

3 FURTHER MOVED, That the Board finds that there are no special circumstances
4 present in this case that would require the preparation of a negative declaration or an
5 environmental impact report for the Project under the California Environmental Quality Act and
6 CEQA Guidelines.

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