

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

2

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

6

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

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

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

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

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

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

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

17 Moved, This Board hereby affirms the determination by the Planning Department that
18 the proposed project located at 937-939 Jackson Street is categorically exempt from the
19 California Environmental Quality Act as in-fill development and is excluded from
20 environmental review as a general rule exclusion for the reasons set forth in the Planning
21 Department's Certificate of Exemption from Environmental Review contained in Board of
22 Supervisors File No. 031905.