

1 [Disapproving the categorical exemption issued for 1400-1402 Cole Street.]

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3 **Motion disapproving the determination by the Planning Department that the 1400-1402**
4 **Cole Street project is categorically exempt from environmental review under the**
5 **California Environmental Quality Act.**

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7 WHEREAS, the Planning Department determined that a third floor addition containing a
8 dwelling unit to a mixed use (dwelling unit over ground-floor commercial) building at 1400-
9 1402 Cole Street ("Project") was categorically exempt from the California Environmental
10 Quality Act ("CEQA") on or around December 6, 2004 ("determination"). A copy of a variance
11 decision by the Planning Department containing the determination is on file with the Clerk of
12 the Board of Supervisors in File No. 050574, and is incorporated by reference herein; and,

13 WHEREAS, By letter to the Clerk of the Board of Supervisors dated April 4, 2005, Dr.
14 and Mrs. Dennis Hamby filed an appeal of the determination to the Board of Supervisors,
15 which the Clerk of the Board of Supervisors received on or around April 5, 2005; and,

16 WHEREAS, On May 3, 2005, this Board held a duly noticed public hearing to consider
17 the appeal of the determination; and,

18 WHEREAS, This Board has reviewed and considered the determination, the appeal
19 letter, the responses to concerns document that the Planning Department prepared, and
20 public testimony; and,

21 WHEREAS, The determination files and all correspondence and other documents have
22 been made available for review by this Board and the public. These files are available for
23 public review by appointment at the Planning Department offices at 1660 Mission Street, and
24 are part of the record before this Board by reference herein; now, therefore, be it

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1 MOVED, That this Board of Supervisors disapproves the determination by the Planning
2 Department that the Project is exempt from environmental review.

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