

1 [Adopting findings related to affirming the categorical exemption issued for 899 North Point  
2 Street.]

3 **Motion adopting findings related to affirming the determination by the Planning**  
4 **Department that the 899 North Point Street project is categorically exempt from**  
5 **environmental review under the California Environmental Quality Act.**  
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7 The Planning Department determined that a proposal to demolish a vacant gas station  
8 building and construct a new four-story, five-unit residential building at 899 North Point Street  
9 ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA")  
10 on or around April 22, 2005 ("determination"). By letter to the Clerk of the Board of  
11 Supervisors dated June 17, 2005, Stephen M. Williams ("Appellant") filed an appeal of the  
12 determination to the Board of Supervisors, which the Clerk of the Board of Supervisors  
13 received on or around June 17, 2005; and,  
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15 WHEREAS, following several continuances requested by Mr. Williams, on November  
16 22, 2005, this Board held a duly noticed public hearing to consider the appeal of the  
17 determination and following the public hearing affirmed the determination of the Planning  
18 Department that the Project is categorically exempt from CEQA.

19 In reviewing the appeal of the categorical exemption determination, this Board  
20 reviewed and considered the written record before the Board and all of the public comments  
21 made in support of and opposed to the appeal. Following the conclusion of the public  
22 hearing, the Board affirmed the Planning Department's categorical exemption determination  
23 for 899 North Point Street based on the written record before the Board as well as all of the  
24 testimony at the public hearing in support of and opposed to the appeal. Said Motion and  
25 written record is in the Clerk of the Board of Supervisors File No. 051222 and is incorporated

1 herein as though set forth in its entirety.

2 In regard to said decision, this Board made certain findings specifying the basis for its  
3 decision to affirm the Planning Department's approval of the determination for 899 North Point  
4 Street based on the whole record before the Board including the written record in File No.  
5 051223, which is hereby declared to be a part of this motion as if set forth fully herein; the  
6 written submissions to and official written records of the Planning Department determination  
7 related to the 899 North Point Street project; the official written and oral testimony at and  
8 audio and video records of the public hearing in support of and opposed to the appeal and  
9 deliberation of the oral and written testimony at the public hearing before the Board of  
10 Supervisors by all parties and the public in support of and opposed to the appeal of the  
11 categorical exemption.

12 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
13 County of San Francisco hereby adopts as its own and incorporates by reference herein, as  
14 though fully set forth, the determination made by the Planning Department on April 22, 2005.

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.

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 November 22, 2005, this Board concludes that the  
23 Project qualifies for a categorical exemption under CEQA Guidelines Section 15303(b) as a  
24 project for construction of a residential structure totaling no more than six dwelling units in an  
25 urbanized area and is also exempt from environmental review under the General Rule

1 Exclusion, CEQA Guidelines Section 15061(b)(3) because the record supports the Planning  
2 Department's conclusion that there is no possibility that the activity in question may have a  
3 significant effect on the environment.

4 FURTHER MOVED, That the Board finds no special circumstances present in this case  
5 that would require the preparation of a negative declaration or an environmental impact report  
6 for the Project under the California Environmental Quality Act and CEQA Guidelines for the  
7 following reasons: (1) the project will not result in any modification to any historic resources  
8 and will not materially or visually impact the nearby historic Ghirardelli Square because the  
9 project is within the scale and height of the adjacent square; (2) the project will have no  
10 negative aesthetic impact on the neighborhood as it will result in removal of a vacant gasoline  
11 station and result in a residential structure compatible with the neighborhood; and (3) the  
12 record supports the conclusion of the Department of Public Health that the site has been  
13 thoroughly analyzed for hazardous substances and no hazardous constituents are found on  
14 the site that pose a risk for residential use.

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