

1 [Adopting findings related to affirming the categorical exemption issued for 3300 Clay Street.]

2  
3 **Motion adopting findings related to affirming the determination by the Planning**  
4 **Department that the 3300 Clay Street project is categorically exempt from**  
5 **environmental review under the California Environmental Quality Act ("CEQA").**  
6

7 The Planning Department determined on or around July 4, 2006, that a proposal to  
8 remodel the ground floor, excavate and install a six-car garage and install a new opening in  
9 the side of the building for access to the garage, located at 3300 Clay Street ("the Project")  
10 was categorically exempt from the CEQA ("determination").

11 By letter to the Clerk of the Board of Supervisors dated October 12, 2006, Douglas D.  
12 Cain ("Appellant"), filed an appeal of the determination to the Board of Supervisors, which the  
13 Clerk of the Board of Supervisors received on or around October 13, 2006.

14 On January 9, 2006, this Board held a duly noticed public hearing to consider the  
15 appeal of the determination and following the public hearing affirmed the determination of the  
16 Planning Department that the Project is categorically exempt from CEQA.

17 In reviewing the appeal of the categorical exemption determination, this Board  
18 reviewed and considered the written record before the Board and all of the public comments  
19 made in support of and opposed to the appeal. Following the conclusion of the public  
20 hearing, the Board affirmed the Planning Department's categorical exemption determination  
21 for the 3300 Clay Street Project based on the written record before the Board as well as all of  
22 the testimony at the public hearing in support of and opposed to the appeal. Said Motion and  
23 written record is in the Clerk of the Board of Supervisors File No. 061396 and is incorporated  
24 herein as though set forth in its entirety.  
25

1 In regard to said decision, this Board made certain findings specifying the basis for its  
2 decision to affirm the Planning Department's approval of the determination for the Project  
3 based on the whole record before the Board including the written record in File No.  
4 061397, which is hereby declared to be a part of this motion as if set forth fully herein; the  
5 written submissions to and official written records of the Planning Department determination  
6 related to the Project; the official written and oral testimony at and audio and video records of  
7 the public hearing in support of and opposed to the appeal and deliberation of the oral and  
8 written testimony at the public hearing before the Board of Supervisors by all parties and the  
9 public in support of and opposed to the appeal of the categorical exemption.

10 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
11 County of San Francisco hereby adopts as its own and incorporates by reference herein, as  
12 though fully set forth, the determination made by the Planning Department on 3300 Clay  
13 Street.

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

19 FURTHER MOVED, That after carefully considering the appeal of the categorical  
20 exemption, including the written information submitted to the Board and the public testimony  
21 presented to the Board at the hearing on January 9, 2006, this Board concludes that the  
22 Project qualifies for a categorical exemption under Class 1 under CEQA Guidelines Section  
23 15301 in that the Project proposes a minor alteration to an existing structure and will be  
24 undertaken in such a way and is of such a nature that it will not adversely affect the historic  
25 3300 Clay Street structure.

1 FURTHER MOVED, That the Board finds no merit to the argument made by Appellant  
2 that the Project will result in a significant adverse effect to an historic resource when the  
3 Project effects are considered together with the effects of a conditional use permit approved  
4 by the Planning Commission in 2004 in connection with a lot line adjustment request. The  
5 Board finds that the conditional use approval of the Planning Commission in 2004, which  
6 authorized an adjustment to the lot line between Block 0997, lot 003 (the Project site) and the  
7 adjacent Block 0997, lot 004, a vacant lot, did not authorize the owners of Block 0997, lot 004  
8 to alter or demolish any of the 3300 Clay Street structure or a brick wall and entry columns to  
9 an existing side yard entryway fronting on lot 003 and lot 004.

10 FURTHER MOVED, That the Board finds based on the information before it that it is  
11 not reasonably foreseeable that alteration or demolition of the 3300 Clay Street structure or  
12 the brick wall and entry columns fronting lots 003 and 004 are necessary to construct a single-  
13 family residence on lot 004 in that the 3300 Clay Street structure is set back from the edge of  
14 the adjacent lot 004 by several feet, enabling construction on lot 004 without affecting the  
15 3300 Clay Street structure and Appellant submitted no factual evidence establishing that  
16 construction of the single-family residence on lot 004 would necessitate the alteration or  
17 removal of the front brick wall and side yard entryway that is located at the front of lots 003  
18 and 004.

19 FURTHER MOVED, That the Board finds that the conditional use approval by the  
20 Planning Commission in 2004 requires a further approval action for any building permit  
21 application filed to construct a single-family residence on lot 004 and specifically requires any  
22 such application to be reviewed for compliance with the Planning and Building Codes and the  
23 Residential Design guidelines to ensure that all requirements of the codes are satisfied. The  
24 Board additionally finds that any building permit application for lot 004 will be subject to CEQA  
25 review. Accordingly, the Board finds that the Project, when considered in conjunction with the

1 lot line adjustment, will not have a significant impact on a historic resource and Planning  
2 appropriately determined the Project exempt from environmental review.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25