

1 [Affirming the Exemption Determination - 10 Lundys Lane]

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3 **Motion affirming the determination by the Planning Department that the project located**
4 **at 10 Lundys Lane is exempt from environmental review.**
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6 WHEREAS, On August 27, 2010 a revision permit (Building Permit No. 2010-08-27-
7 9763) was issued by the Department of Building Inspection for revisions to a previously
8 approved permit for interior and exterior renovation of an existing single family home (the
9 "Project"). The Planning Department had previously determined that the work involved in the
10 prior permit, which permit is final and which is not the subject of this appeal, was exempt from
11 environmental review under the California Environmental Quality Act (CEQA), the CEQA
12 Guidelines, and San Francisco Administrative Code Chapter 31. Although the Planning
13 Department did not review the revision permit (Building Permit No. 2010-08-27-9763) before it
14 was issued by the Department of Building Inspection, the Planning Department has
15 subsequently reviewed the work associated with that permit and determined that the work is
16 categorically exempt from CEQA. Specifically, in an email dated November 16, 2010 from
17 Zoning Administrator Scott Sanchez to the Appellant, the Planning Department determined
18 that the work associated with the second permit (Building Permit No. 2010-08-27-9763) is also
19 exempt from environmental review. By letter to the Clerk of the Board John de Soto
20 ("Appellant"), received by the Clerk's Office on or around December 2, 2010, appealed the
21 exemption determination; and

22 WHEREAS, On January 11, 2011, this Board held a duly noticed public hearing to
23 consider the appeal of the exemption determination filed by Appellant, and following the public
24 hearing affirmed the exemption determination; and
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1 WHEREAS, In reviewing the appeal of the exemption determination, this Board
2 reviewed and considered the exemption determination, the appeal letters, the responses to
3 concerns document that the Planning Department prepared, the other written records before
4 the Board of Supervisors and all of the public testimony made in support of and opposed to
5 the exemption determination appeal. Following the conclusion of the public hearing, the
6 Board of Supervisors affirmed the exemption determination for the Project based on the
7 written record before the Board of Supervisors as well as all of the testimony at the public
8 hearing in support of and opposed to the appeal. The written record and oral testimony in
9 support of and opposed to the appeal and deliberation of the oral and written testimony at the
10 public hearing before the Board of Supervisors by all parties and the public in support of and
11 opposed to the appeal of the exemption determination is in the Clerk of the Board of
12 Supervisors File No. 101543 and is incorporated in this motion as though set forth in its
13 entirety; now therefore be it

14 MOVED, That the Board of Supervisors of the City and County of San Francisco
15 hereby adopts as its own and incorporates by reference in this motion, as though fully set
16 forth, the exemption determination; and 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 exemption determination by the Planning Department that the
21 proposed Project is exempt from environmental review; and be it

22 FURTHER MOVED, That after carefully considering the appeal of the exemption
23 determination, including the written information submitted to the Board of Supervisors and the
24 public testimony presented to the Board of Supervisors at the hearing on the exemption
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determination, this Board concludes that the Project qualifies for a exemption determination under CEQA.