

1 [Preparation of Findings to Reverse the Exemption Determination - 10 Lundys Lane]

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

23 WHEREAS, On January 11, 2011, this Board held a duly noticed public hearing to  
24 consider the appeal of the exemption determination filed by Appellant, and following the public  
25 hearing reversed the exemption determination; and

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 reversed 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 in the Planning Department files, which are available for  
13 public review by appointment at the Planning Department offices at 1650 Mission Street, and  
14 are incorporated in this motion as though set forth in its entirety; now, therefore, be it

15           MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
16 findings specifying the basis for its decision on the appeal of the exemption determination  
17 issued by the Planning Department for the Project.