File No. 101544 Committee Item No. _____
Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS

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Committee _____ Date _____

Board of Supervisors Meeting Date January 11, 2011

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Completed by: Joy Lamug Date January 6, 2011
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

[Affirming the Exemption Determination - 10 Lundys Lane]

Motion affirming the determination by the Planning Department that the project located at 10 Lundys Lane is exempt from environmental review.

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

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

WHEREAS, In reviewing the appeal of the exemption determination, this Board reviewed and considered the exemption determination, the appeal letters, the responses to concerns document that the Planning Department prepared, the other written records before the Board of Supervisors and all of the public testimony made in support of and opposed to the exemption determination appeal. Following the conclusion of the public hearing, the Board of Supervisors affirmed the exemption determination for the Project based on the written record before the Board of Supervisors as well as all of the testimony at the public hearing in support of and opposed to the appeal. The written record and oral testimony in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal of the exemption determination is in the Clerk of the Board of Supervisors File No. 101543 and is incorporated in this motion as though set forth in its entirety; now therefore be it

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference in this motion, as though fully set forth, the exemption determination; and be it

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the exemption determination by the Planning Department that the proposed Project is exempt from environmental review; and be it

FURTHER MOVED, That after carefully considering the appeal of the exemption determination, including the written information submitted to the Board of Supervisors and the public testimony presented to the Board of Supervisors at the hearing on the exemption

determination, this Board concludes that the Project qualifies for a exemption determination under CEQA.