

1 [Adopting findings related to the appeal of the CEQA exemption determination by the Planning
2 Department for 701 Lombard Street.]

3 **Motion adopting findings related to the appeal of the determination by the Planning**
4 **Department that the acquisition of 701 Lombard Street was exempt from the California**
5 **Environmental Quality Act.**

6
7 On August 5, 2003, the San Francisco Planning Department issued a determination
8 that the acquisition of 701 Lombard Street ("the Project") was exempt from environmental
9 review under the California Environmental Quality Act ("CEQA") as a Class 16 exemption,
10 which exempts from environmental review the acquisition, sale, or other transfer of land in
11 order to establish a park where the land is in a natural condition or contains historical or
12 archeological resources and either the management plan for the park has not been prepared
13 or the management plan proposes to keep the area in a natural condition or preserve the
14 historical or archaeological resources. A copy of said document is on file with the Clerk of the
15 Board of Supervisors in File No. 031686, and is incorporated by reference herein.

16 By letter to the Clerk of the Board of Supervisors dated September 25, 2003, Mr.
17 James A. Reuben on behalf of Martin Coyne and Brian O'Flynn, owners of the real property
18 located at 701 Lombard Street, filed an appeal of the determination to the Board of
19 Supervisors, which the Clerk of the Board of Supervisors received on or around September
20 25, 2003.

21 On October 21, 2003, this Board held a duly noticed public hearing to consider the
22 appeal of the determination. Following the conclusion of the public hearing, the Board
23 affirmed the decision of the Planning Department on the use of an exemption for the
24 acquisition of 701 Lombard Street, based on the written record before the Board in File
25

1 No. 031687, which is hereby declared to be a part of this motion as if set forth fully herein,
2 as well as all of the testimony at the public hearing in support of and opposed to the appeal.

3 MOVED, That the Board of Supervisors finds that based on the evidence presented to
4 it that the Project involves only the acquisition of the site at 701 Lombard Street for a park and
5 does not involve a different project.

6 FURTHER MOVED, That the Board of Supervisors finds that based on the evidence
7 provided to it by the Planning Department that the Project qualifies for a categorical exemption
8 under CEQA under both CEQA Guidelines Section 15308, Class 8 and Section 15316, Class
9 16. A Class 8 exemption applies to Actions by Regulatory Agencies for Protection of the
10 Environment and under guidelines adopted by the Planning Commission this exemption
11 includes acquisition of urban open space. A Class 16 exemption applies to the Transfer of
12 Ownership of Land in Order to Create Parks. Together, these classes of exemptions from
13 CEQA provide that no environmental review is required when the City acquires land for the
14 purpose of creating urban open space.

15 FURTHER MOVED, That the Board of Supervisors, after carefully considering the
16 evidence presented, affirmed the determination of the Planning Department that the
17 acquisition of 701 Lombard Street for a park is exempt from environmental review under
18 CEQA.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Motion

File Number: 031762

Date Passed: October 28, 2003

Motion adopting findings related to the appeal of the determination by the Planning Department that the acquisition of 701 Lombard Street was exempt from the California Environmental Quality Act.

October 22, 2003 Board of Supervisors — REFERRED: Board of Supervisors

October 28, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

Absent: 2 - Ammiano, Newsom

File No. 031762

I hereby certify that the foregoing Motion
was APPROVED on October 28, 2003 by the
Board of Supervisors of the City and County
of San Francisco.

Gloria L. Young
Clerk of the Board