File No. 120782

Committee Item No._____
Board Item No. 19

# COMMITTEE/BOARD OF SUPERVISORS
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Committee_____ Date_____

Board of Supervisors Meeting Date: 9/4/12

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OTHER (Use back side if additional space is needed)

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Completed by: Nicole Lyshorn Date: 08/29/12
Completed by:_____ Date_____

[Affirming the Exemption Determination - 2853-2857 Broderick Street]

**Motion affirming the determination by the Planning Department that a project located at 2853-2857 Broderick Street is exempt from environmental review.**

WHEREAS, The Planning Department has determined that a project located at 2853-2857 Broderick Street is exempt from environmental review under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative Code Chapter 31. The proposed project involves raising the building by approximately three feet to insert a garage at ground level, expanding the ground floor level and creating a new curb cut. By letter to the Clerk of the Board, Kate Polevoi, on behalf of Zeeva Kardos, Irving Zaretsky, Craig Jones, Michael Jaeger, Eric and Kelda Reimers, Rob and Jennifer Povlitz, and Don and Ann Morehead (Appellants), received by the Clerk's Office on July 10, 2012, appealed the exemption determination. The Appellants provided a copy a Certificate of Determination, Exemption From Environmental Review, issued by the Planning Department on July 3, 2011, finding the proposed project exempt from environmental review under CEQA Guidelines Class 1 (14 Cal. Code. Regs. §15301); and

WHEREAS, On September 4, 2012, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellants, 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. 120781 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.