

1 [Adopting findings related to affirming the categorical exemption issued for the Burke School  
2 project at 229 32<sup>nd</sup> Avenue.]

3 **Motion adopting findings related to affirming the determination by the Planning**  
4 **Department that the project at 229 32<sup>nd</sup> Avenue (aka 7070 California Street) is**  
5 **categorically exempt from environmental review under the California Environmental**  
6 **Quality Act.**

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8 WHEREAS, On October 31, 2005, the Environmental Review Office of the San  
9 Francisco Planning Department issued a certificate of determination of exemption from  
10 environmental review (the "determination") for proposed construction of a two-story, 26.5-foot  
11 tall arts and science building containing six classrooms and removal of a paved tennis court,  
12 located at the Katherine Delmar Burke School at 229 32<sup>nd</sup> Avenue (aka 7070 California  
13 Street) (the "Project"). A copy of said document is on file with the Clerk of the Board of  
14 Supervisors in File No. 060980, and is incorporated by reference herein; and,

15 WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 20, 2006,  
16 James Argo, on behalf of the Lincoln Park Neighborhood Association ("Appellant"), filed an  
17 appeal of the determination to the Board of Supervisors, which the Clerk of the Board of  
18 Supervisors received on or around June 20, 2006; and,

19 WHEREAS, On July 25, 2006, this Board held a duly noticed public hearing to consider  
20 the appeal of the determination. Following the conclusion of the public hearing, the Board  
21 affirmed the determination of the Planning Department that the Project is categorically exempt  
22 from CEQA in Motion No. M06-84, a copy of which is on file with the Clerk of the Board of  
23 Supervisors in File No. 060981; and,

24 WHEREAS, In reviewing the appeal of the categorical exemption determination, the  
25 Board reviewed and considered the written record before it. Further, at the July 25, 2006

1 hearing, the President of the Board announced that the Appellant had requested that the  
2 CEQA appeal be withdrawn and no member of the public testified at the public hearing.  
3 Following the conclusion of the public hearing, the Board affirmed the Planning Department's  
4 categorical exemption determination for the Project based on the written record before the  
5 Board. Said Motion and written record are in the Clerk of the Board of Supervisors File No.  
6 060980 and are incorporated herein as though set forth in their entirety; and,

7 WHEREAS, In regard to said decision, this Board made certain findings specifying the  
8 basis for its decision to affirm the Planning Department's approval of the determination for the  
9 Project based on the whole record before the Board including the written record in File No.  
10 060980, which is hereby declared to be a part of this motion as if set forth fully herein; the  
11 written submissions to and official written records of the Planning Department determination  
12 related to the Project; the official written and oral testimony at and audio and video records of  
13 the public hearing in support of and opposed to the appeal and deliberation of the oral and  
14 written testimony at the public hearing before the Board of Supervisors; now, therefore, be it

15 MOVED, That the Board of Supervisors of the City and County of San Francisco  
16 hereby adopts as its own and incorporates by reference herein, as though fully set forth, the  
17 determination made by the Planning Department on October 31, 2005; and, be it

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

23 FURTHER MOVED, That after carefully considering the appeal of the categorical  
24 exemption, including the written information submitted to the Board and the absence of public  
25 testimony at the Board's hearing on \_July 25, 2006, this Board concludes that the Project

1 qualifies for the categorical exemption set forth in the Planning Department determination;  
2 and, be it

3 FURTHER MOVED, That the Board finds that there are no special circumstances  
4 present in this case that would require the preparation of a negative declaration or an  
5 environmental impact report for the Project under the California Environmental Quality Act and  
6 CEQA Guidelines.

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