

1 [Preparation of Findings to Reverse the Exemption Determination - 795 Foerster Street, 203
2 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

3 **Motion directing the Clerk of the Board to prepare findings reversing the exemption**
4 **determination by the Planning Department and Commission that the project located at**
5 **795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos**
6 **Drive is exempt from environmental review.**

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8 WHEREAS, Planning Department has determined that a project located at 795
9 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive
10 ("Project") is exempt from environmental review under the California Environmental Quality
11 Act ("CEQA"). The proposed Project involves the subdivision of two existing lots into four and
12 the construction of three new single-family homes fronting on Los Palmos Drive. On August
13 5, 2010, following a noticed public hearing the Planning Commission heard a request for
14 discretionary review of the proposed new construction at 203 Los Palmos Drive and declined
15 to take discretionary review and instead approved the new construction. The Planning
16 Department approved the other site permits for the proposed project, and discretionary review
17 was either not requested or was requested and withdrawn for those addresses. In declining
18 to take discretionary review, the Commission affirmed the Department's decision that the
19 Project was exempt from environmental review under CEQA, the CEQA Guidelines, and San
20 Francisco Administrative Code Chapter 31 (the "exemption determination"). By letter to the
21 Clerk of the Board, Stephen Williams, on behalf of the Miraloma Park Improvement Club,
22 ("Appellant"), received by the Clerk's Office on or around January 7, 2011, appealed the
23 exemption determination; and
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1 WHEREAS, On February 15, 2011, this Board held a duly noticed public hearing to
2 consider the appeal of the exemption determination filed by Appellant, and following the public
3 hearing reversed the exemption determination; and

4 WHEREAS, In reviewing the appeal of the exemption determination, this Board
5 reviewed and considered the exemption determination, the appeal letters, the responses to
6 concerns document that the Planning Department prepared, the other written records before
7 the Board of Supervisors and all of the public testimony made in support of and opposed to
8 the exemption determination appeal. Following the conclusion of the public hearing, the
9 Board of Supervisors reversed the exemption determination for the Project based on the
10 written record before the Board of Supervisors as well as all of the testimony at the public
11 hearing in support of and opposed to the appeal. The written record and oral testimony in
12 support of and opposed to the appeal and deliberation of the oral and written testimony at the
13 public hearing before the Board of Supervisors by all parties and the public in support of and
14 opposed to the appeal of the exemption determination is in the Clerk of the Board of
15 Supervisors File No. 110041 and in the Planning Department files, which are available for
16 public review by appointment at the Planning Department offices at 1650 Mission Street, and
17 are incorporated in this motion as though set forth in its entirety; now, therefore, be it

18 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the
19 findings specifying the basis for its decision on the appeal of the exemption determination
20 issued by the Planning Department and Commission for the Project.