

1 [Affirming the Exemption Determination for 100 – 32nd Avenue]

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3 **Motion affirming the determination by the Planning Department that the project located**
4 **at 100 – 32nd Avenue is exempt from environmental review.**

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6 WHEREAS, On or about February 19, 2009, the Planning Department determined that
7 a proposal to add a three-story side horizontal addition and enlarge the existing partial fourth
8 floor at the existing four-story, single-family residence located at 100 – 32nd Avenue (the
9 “Project”) was exempt from environmental review under the California Environmental Quality
10 Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31 as a
11 Class 1 categorical exemption, a minor alteration to an existing structure (the "exemption
12 determination"). By letter to the Clerk of the Board, Stephen Williams, on behalf of Sanford
13 Garfinkel, other neighbors and the Lincoln Park Neighborhood Association ("Appellant"),
14 received by the Clerk's Office on or around March 1, 2010, appealed the exemption
15 determination; and

16 WHEREAS, On April 13, 2010, this Board held a duly noticed public hearing to
17 consider the appeal of the exemption determination filed by Appellant, and following the public
18 hearing affirmed the exemption determination; and

19 WHEREAS, In reviewing the appeal of the exemption determination, this Board
20 reviewed and considered the exemption determination, the appeal letter, the responses to
21 concerns document that the Planning Department prepared, the other written records before
22 the Board of Supervisors and all of the public testimony made in support of and opposed to
23 the exemption determination appeal. Following the conclusion of the public hearing, the
24 Board of Supervisors affirmed the exemption determination for the Project based on the
25 written record before the Board of Supervisors as well as all of the testimony at the public

1 hearing in support of and opposed to the appeal. The written record and oral testimony in
2 support of and opposed to the appeal and deliberation of the oral and written testimony at the
3 public hearing before the Board of Supervisors by all parties and the public in support of and
4 opposed to the appeal of the exemption determination is in the Clerk of the Board of
5 Supervisors File No. 100252 and is incorporated in this motion as though set forth in its
6 entirety; now therefore be it

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

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

15 FURTHER MOVED, That after carefully considering the appeal of the exemption
16 determination, including the written information submitted to the Board of Supervisors and the
17 public testimony presented to the Board of Supervisors at the hearing on the exemption
18 determination, this Board concludes that the Project qualifies for a exemption determination
19 under CEQA Guidelines Section 15301.