File No. 110042

Committee Item No. _____
Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date February 15, 2011

Cmte	Board	
☐	☒	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Introduction Form (for hearings)
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER (Use back side if additional space is needed)

☐ ☐ _____
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☐ ☐ _____

Completed by: Joy Lamug Date February 10, 2011
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

[Affirming the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion affirming the determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review.

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the other site permits for the proposed project, and discretionary review was either not requested or was requested and withdrawn for those addresses.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

WHEREAS, On February 15, 2011, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellant, 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. 110041 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 and Commission 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 an exemption determination.