

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

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

6  
7 WHEREAS, Planning Department has determined that a project located at 795  
8 Foerster Street, 203 Los Paltos Drive, 207 Los Paltos Drive, and 213 Los Paltos Drive  
9 ("Project") is exempt from environmental review under the California Environmental Quality  
10 Act ("CEQA"). The proposed Project involves the subdivision of two existing lots into four and  
11 the construction of three new single-family homes fronting on Los Paltos Drive. On August  
12 5, 2010, following a noticed public hearing the Planning Commission heard a request for  
13 discretionary review of the proposed new construction at 203 Los Paltos Drive and declined  
14 to take discretionary review and instead approved the new construction. The Planning  
15 Department approved the other site permits for the proposed project, and discretionary review  
16 was either not requested or was requested and withdrawn for those addresses. In declining  
17 to take discretionary review, the Commission affirmed the Department's decision that the  
18 Project was exempt from environmental review under CEQA, the CEQA Guidelines, and San  
19 Francisco Administrative Code Chapter 31 (the "exemption determination"). By letter to the  
20 Clerk of the Board, Stephen Williams, on behalf of the Miraloma Park Improvement Club,  
21 ("Appellant"), received by the Clerk's Office on or around January 7, 2011, appealed the  
22 exemption determination; and

23 WHEREAS, On February 15, 2011, this Board held a duly noticed public hearing to  
24 consider the appeal of the exemption determination filed by Appellant, and following the public  
25 hearing affirmed the exemption determination; and

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

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

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

22           FURTHER MOVED, That after carefully considering the appeal of the exemption  
23 determination, including the written information submitted to the Board of Supervisors and the  
24 public testimony presented to the Board of Supervisors at the hearing on the exemption  
25 determination, this Board concludes that the Project qualifies for an exemption determination.



City and County of San Francisco

Tails

Motion: M11-44

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 110042

Date Passed: March 22, 2011

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

February 15, 2011 Board of Supervisors - CONTINUED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi and Wiener

Excused: 1 - Elsbernd

March 22, 2011 Board of Supervisors - APPROVED

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi and Wiener

Excused: 2 - Avalos and Elsbernd

File No. 110042

I hereby certify that the foregoing Motion was APPROVED on 3/22/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board