

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

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

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7 WHEREAS, Planning Department has determined that a project located at 795
8 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos 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 Palmos 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 Palmos 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16 was either not requested or was requested and withdrawn for those addresses.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 reversed 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 reversed 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 in the Planning Department files, which are available for
13 public review by appointment at the Planning Department offices at 1650 Mission Street, and
14 are incorporated in this motion as though set forth in its entirety; now therefore be it

15 MOVED, That this Board of Supervisors reverses the determination by the Planning
16 Department and Commission that the Project is exempt from environmental review.

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