

1 [Reversing the Exemption Determination - 312 Green Street]

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3 **Motion reversing the determination by the Planning Department that a proposed**  
4 **project at 312 Green Street is exempt from environmental review.**

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6 WHEREAS, On January 15, 2013, the Planning Department determined that the  
7 proposed project located at 312 Green Street ("Project") is exempt from environmental review  
8 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San  
9 Francisco Administrative Code, Chapter 31. The proposed project involves the construction of  
10 a third floor and fourth floor addition to a two-story single-family residence; and

11 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
12 November 24, 2014, Ryan J. Patterson of Zacks & Freedman on behalf of Jack Oswald and  
13 Anneke Seley (Appellants) appealed the exemption determination. The Appellants provided a  
14 copy of the Planning Department's Categorical Exemption Determination, finding that the  
15 proposed project was exempt under Class 1 of the CEQA Guidelines (14 Cal. Code Reg.,  
16 Section 15301); and

17 WHEREAS, The Planning Department's Environmental Review Officer, by  
18 memorandum to the Clerk of the Board dated December 1, 2014, determined that the appeal  
19 had been timely filed; and

20 WHEREAS, On December 16, 2014, this Board held a duly noticed public hearing to  
21 consider the appeal of the exemption determination filed by Appellants and, following the  
22 public hearing, affirmed the exemption determination; and

23 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
24 reviewed and considered the exemption determination, the appeal letter, the responses to the  
25 appeal documents that the Planning Department prepared, the other written records before

1 the Board of Supervisors and all of the public testimony made in support of and opposed to  
2 the exemption determination appeal. Following the conclusion of the public hearing, the Board  
3 of Supervisors reversed the exemption determination for the project based on the written  
4 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
5 support of and opposed to the appeal. The written record and oral testimony in support of and  
6 opposed to the appeal and deliberation of the oral and written testimony at the public hearing  
7 before the Board of Supervisors by all parties and the public in support of and opposed to the  
8 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.  
9 141244 and is incorporated in this motion as though set forth in its entirety; now, therefore be  
10 it

11           MOVED, That this Board of Supervisors reverses the determination by the Planning  
12 Department that the project is exempt from environmental review.

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