

1 [Affirming the Exemption Determination - 312 Green Street]

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3 **Motion affirming the determination by the Planning Department that a proposed project**
4 **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 §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 affirmed 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 it

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

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

18 FURTHER MOVED, That after carefully considering the appeal of the exemption
19 determination, including the written information submitted to the Board of Supervisors and the
20 public testimony presented to the Board of Supervisors at the hearing on the exemption
21 determination, this Board concludes that the project qualifies for an exemption determination
22 under CEQA.

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