

1 [Conditionally Reversing the Categorical Exemption Determination - 302 Greenwich
2 Street/1531 Montgomery Street]

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 302 Greenwich Street/1531 Montgomery Street is categorically**
5 **exempt from further environmental review, subject to the adoption of written findings**
6 **of the Board in support of this determination.**

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8 WHEREAS, On June 28, 2017, the Planning Department determined that the proposed
9 project located at 302 Greenwich Street/1531 Montgomery Street ("Project") is exempt from
10 environmental review under the California Environmental Quality Act ("CEQA"), the CEQA
11 Guidelines, and San Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The proposed Project involves the change of use of the vacant,
13 approximately 4,892 square foot, building, into a restaurant use, which would reinstate the last
14 authorized and only previous use of the property; and

15 WHEREAS, On June 28, 2017, the Planning Department determined that the Project is
16 exempt from environmental review under Class 3 of the CEQA Guidelines (14 Cal. Code Reg.
17 Section 15303), which provides an exemption for new construction and conversion of small
18 structures; and

19 WHEREAS, On July 6, 2017, the Planning Commission conducted a duly noticed
20 public hearing and authorized Conditional Use Application No. 2016-001273CUA, with
21 Conditions of Approval, by Motion No. 19958; and

22 WHEREAS, On August 4, 2017, Gordon Francis, Norman Laboe and Dan Lorimer
23 ("Appellants"), appealed the exemption determination; and

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1 WHEREAS, The Planning Department's Environmental Review Officer, by
2 memorandum to the Clerk of the Board dated August 10, 2017, determined that the appeal
3 was timely filed; and

4 WHEREAS, On September 12, 2017, this Board held a duly noticed public hearing to
5 consider the appeal of the exemption determination filed by Appellants and, following the
6 public hearing, conditionally reversed the exemption determination subject to the adoption of
7 written findings in support of such determination; and

8 WHEREAS, In reviewing the appeal of the exemption determination, this Board
9 reviewed and considered the exemption determination, the appeal letter, the responses to the
10 appeal documents that the Planning Department prepared, the other written records before
11 the Board of Supervisors and all of the public testimony made in support of and opposed to
12 the exemption determination appeal; and

13 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
14 conditionally reversed the exemption determination for the Project subject to the adoption of
15 written findings of the Board in support of such determination based on the written record
16 before the Board of Supervisors as well as all of the testimony at the public hearing in support
17 of and opposed to the appeal; and

18 WHEREAS, The written record and oral testimony in support of and opposed to the
19 appeal and deliberation of the oral and written testimony at the public hearing before the
20 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
21 the exemption determination is in the Clerk of the Board of Supervisors File No. 170907, and
22 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

23 MOVED, That this Board of Supervisors conditionally reverses the determination by the
24 Planning Department that the Project is exempt from environmental review, subject to the
25 adoption of written findings of the Board in support of this determination.

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