

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

3 **Motion affirming the determination by the Planning Department that a proposed project**
4 **at 302 Greenwich Street/1531 Montgomery Street is categorically exempt from further**
5 **environmental review.**

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

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

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

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

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

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

1 WHEREAS, On September 12, 2017, this Board held a duly noticed public hearing to
2 consider the appeal of the exemption determination filed by Appellant and, following the public
3 hearing, affirmed the exemption determination; and

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

9 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
10 affirmed the exemption determination for the project based on the written record before the
11 Board of Supervisors as well as all of the testimony at the public hearing in support of and
12 opposed to the appeal; and

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

18 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
19 reference in this motion, as though fully set forth, the exemption determination; and, be it

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

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1 FURTHER MOVED, That after carefully considering the appeal of the exemption
2 determination, including the written information submitted to the Board of Supervisors and the
3 public testimony presented to the Board of Supervisors at the hearing on the exemption
4 determination, this Board concludes that the project qualifies for an exemption determination
5 under CEQA.

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