

File No. 150169

Committee Item No. \_\_\_\_\_

Board Item No. 20

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date \_\_\_\_\_  
Date APRIL 7, 2015

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: John Carroll Date March 19, 2015  
Completed by: JOHN CARROLL Date APRIL 7, 2015

1 [Reversing the Categorical Exemption Determination - 53 States Street]

2  
3 **Motion reversing the determination by the Planning Department that a proposed**  
4 **project at 53 States Street is categorically exempt from environmental review.**

5  
6 WHEREAS, On May 28, 2014, the Planning Department determined that the proposed  
7 project located at 53 States Street ("Project") is exempt from environmental review under the  
8 California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco  
9 Administrative Code, Chapter 31. The proposed project involves demolition of an existing  
10 building and construction of a four-story, 7,103-square-foot building containing two residential  
11 units and four parking spaces; and

12 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
13 February 9, 2015, Hector Martinez (Appellant) appealed the exemption determination. The  
14 Appellant provided a copy of the Planning Commission's Discretionary Review Action DRA  
15 03-99, dated January 8, 2015, with the Planning Department's Categorical Exemption  
16 Determination attached, which found that the proposed project was exempt under Classes 1  
17 and 3 of the CEQA Guidelines (14 Cal. Code Reg. Sections 15301 and 15303); and

18 WHEREAS, The Planning Department's Environmental Review Officer, by  
19 memorandum to the Clerk of the Board dated February 12, 2015, determined that the appeal  
20 had been timely filed; and

21 WHEREAS, On April 7, 2015, this Board held a duly noticed public hearing to consider  
22 the appeal of the exemption determination filed by Appellant and, following the public hearing,  
23 reversed the exemption determination; and

24 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
25 reviewed and considered the exemption determination, the appeal letter, the responses to the

1 appeal documents that the Planning Department prepared, the other written records before  
2 the Board of Supervisors and all of the public testimony made in support of and opposed to  
3 the exemption determination appeal. Following the conclusion of the public hearing, the Board  
4 of Supervisors reversed the exemption determination for the project based on the written  
5 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
6 support of and opposed to the appeal. The written record and oral testimony in support of and  
7 opposed to the appeal and deliberation of the oral and written testimony at the public hearing  
8 before the Board of Supervisors by all parties and the public in support of and opposed to the  
9 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.  
10 150167 and is incorporated in this motion as though set forth in its entirety; now, therefore, be  
11 it

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

14 n:\landuse\mbyrne\bos ceqa appeals\53 states street rev v2.docx

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
5

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request:
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Clerk of the Board

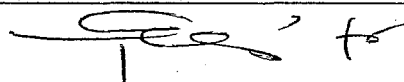
**Subject:**

Reversing the Categorical Exemption Determination - 53 States Street

**The text is listed below or attached:**

Motion reversing the determination by the Planning Department that a proposed project at 53 States Street is categorically exempt from environmental review.

Signature of Sponsoring Supervisor: \_\_\_\_\_



For Clerk's Use Only: