

**REVISED LEGISLATIVE DIGEST**

(7/16/2013, Substituted)

[Administrative Code - California Environmental Quality Act Procedures, Appeal of Exempt Project Modification]

**Ordinance amending Administrative Code, Chapter 31, to provide for appeal to the Environmental Review Officer to reconsider a determination of the Environmental Review Officer that an exempt project modification does not require a new decision under the California Environmental Quality Act; and making environmental findings.**

Existing Law

The City of San Francisco, in accordance with the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA"), and CEQA Guidelines, Title 14, California Code of Regulations, Section 15000 *et seq.* has adopted local procedures for administering its responsibilities under CEQA. These procedures are codified in San Francisco Administrative Code Chapter 31. These procedures tailor the general provisions of the CEQA Guidelines to the specific operations of the City and incorporate by reference the provisions of CEQA and the CEQA Guidelines.

Amendments to Current Law

This ordinance amends one section of Chapter 31. The amendment provides for a process to appeal a determination by the Environmental Review Officer that a change to a project exempt from CEQA is not a substantial modification to the project that requires a new CEQA decision. The appeal process provides for a hearing before the Environmental Review Officer. The Environmental Review Officer would be required to reconsider his or her prior decision in light of any new information submitted before or at the hearing. The appeal must be filed within 10 days of the original decision and the hearing held within 20 days of the appeal, on the same day as a Planning Commission regularly-scheduled meeting. If no Planning Commission meeting is scheduled within the 20-day period, the hearing must be held on the day of the one of the next two Planning Commission hearings. The hearing must be video-recorded, with the recording posted on the City's website, and, if feasible, broadcast on the City's official television channel. The Environmental Review Officer must render a decision within 14 days of the hearing.

Background Information

The ordinance is substitute legislation proposed to revise one aspect of the City's existing CEQA implementation procedures. The ordinance amends legislation originally introduced by Supervisor Kim on May 14, 2013. Under the original proposal, one has 30 days to file an appeal to the Planning Commission of a determination by the Environmental Review Officer that a change to a project exempt from CEQA is not a substantial modification to the project that requires a new CEQA decision. The Planning Commission has 60 days to take action on the appeal. The City can not take action to approve the project during the pendency of the appeal.