

1 [Conditionally Reversing the Categorical Exemption Determination - 20 Nobles Alley]

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3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 20 Nobles Alley is categorically exempt from further environmental**
5 **review, subject to the adoption of written findings of the Board in support of this**
6 **determination.**

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8 WHEREAS, On September 8, 2017, the Planning Department determined that the
9 proposed project located 20 Nobles Alley ("Project") is exempt from environmental review
10 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San
11 Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The proposed Project involves the retention and legalization of one
13 unpermitted garage door and the removal of a second unpermitted garage door, associated
14 wall vents, and an entry hall window; the stucco wall finish and remaining rough openings on
15 the ground floor would be restored to a prior appearance, based on pictorial evidence of the
16 subject property; and

17 WHEREAS, On May 8, 2017, the Planning Department issued a Notice of Planning
18 Department Disapproval for building permit #201608094528 for the Project, proposing to
19 remove one of two existing garage doors on the building's visible front elevation; and

20 WHEREAS, On July 12, 2017, at the request of the project sponsor, the Board of
21 Appeals reviewed the Planning Department disapproval of building permit #201608094528,
22 continued the hearing to September 13, 2017, and requested that the project sponsor produce
23 a set of plans for delivery to the Board of Appeals and the Planning Department; and

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1 WHEREAS, The Board of Appeals also requested that Planning Department staff
2 conduct CEQA review of the Project in advance of the September 13, 2017, hearing; and

3 WHEREAS, On September 7, 2017, Dudley and Eustace de Saint Phalle (project
4 sponsor), filed an environmental evaluation application for the proposed Project; and

5 WHEREAS, On September 8, 2017, the Planning Department determined that the
6 Project is exempt from environmental review under Class 1 of the CEQA Guidelines (14 Cal.
7 Code Reg. Section 15301), which provides an exemption for existing facilities; and

8 WHEREAS, On September 13, 2017, at the continuation of the building permit appeal
9 hearing, the Board of Appeals overturned the Planning Department's prior decision and
10 approved the Project as proposed on the plan set dated August 21, 2017; and

11 WHEREAS, On September 27, 2017, Marc Bruno ("Appellant"), appealed the
12 exemption determination; and

13 WHEREAS, The Planning Department's Environmental Review Officer, by
14 memorandum to the Clerk of the Board dated September 28, 2017, determined that the
15 appeal was timely filed; and

16 WHEREAS, On November 14, 2017, this Board held a duly noticed public hearing to
17 consider the appeal of the exemption determination filed by Appellant and, following the public
18 hearing, affirmed the exemption determination; and

19 WHEREAS, In reviewing the appeal of the exemption determination, this Board
20 reviewed and considered the exemption determination, the appeal letter, the responses to the
21 appeal documents that the Planning Department prepared, the other written records before
22 the Board of Supervisors and all of the public testimony made in support of and opposed to
23 the exemption determination appeal; and

24 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
25 conditionally reversed the exemption determination for the Project subject to the adoption of

1 written findings of the Board in support of such determination based on the written record
2 before the Board of Supervisors as well as all of the testimony at the public hearing in support
3 of and opposed to the appeal; and

4 WHEREAS, The written record and oral testimony in support of and opposed to the
5 appeal and deliberation of the oral and written testimony at the public hearing before the
6 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
7 the exemption determination is in the Clerk of the Board of Supervisors File No. 171053, and
8 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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