

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

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

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

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