

File No. 170910

Committee Item No. _____

Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 12, 2017

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Brent Jalipa

Date: September 7, 2017

Prepared by: _____

Date: _____

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 302
2 Greenwich Street/1531 Montgomery Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 302 Greenwich Street/1531**
5 **Montgomery Street is categorically exempt from further environmental review.**

6
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 Appellants and, following the
3 public hearing, conditionally reversed the exemption determination, subject to the adoption of
4 written findings in support of such determination; and

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

10 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
11 conditionally reversed the exemption determination for the Project subject to the adoption of
12 written findings of the Board in support of such determination based on the written record
13 before the Board of Supervisors as well as all of the testimony at the public hearing in support
14 of and opposed to the appeal; and

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

20 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
21 findings specifying the basis for its decision on the appeal of the exemption determination
22 issued by the Planning Department for the Project.

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25

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

4 WHEREAS, On September 12, 2017, this Board held a duly noticed public hearing to
5 consider the appeal of the exemption determination filed by Appellants and, following the
6 public hearing, conditionally reversed the exemption determination subject to the adoption of
7 written findings in support of such determination; and

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

13 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
14 conditionally reversed the exemption determination for the Project subject to the adoption of
15 written findings of the Board in support of such determination based on the written record
16 before the Board of Supervisors as well as all of the testimony at the public hearing in support
17 of and opposed to the appeal; and

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

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

Print Form

Introduction Form

By a Member of the Board of Supervisors or 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 [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached 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 the Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Preparation of Findings to Reverse the Categorical Exemption Determination - 302 Greenwich Street/1531 Montgomery Street

The text is listed:

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 302 Greenwich Street/1531 Montgomery Street is exempt from further environmental review.

Signature of Sponsoring Supervisor:

Alise Somera

for

For Clerk's Use Only