

File No. 130464

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date June 17, 2013

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination, dtd 5/24/13</u> |
| <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"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Alisa Miller Date June 13, 2013

Completed by: _____ Date _____

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

3
4 **Ordinance amending Administrative Code, Chapter 31, to provide for appeal to the**
5 **Planning Commission of a Planning Department determination that an exempt project**
6 **modification does not require a new decision under the California Environmental**
7 **Quality Act; and making environmental findings.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are *strike-through italics Times New Roman*.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The Planning Department has determined that the actions contemplated in
14 this ordinance comply with the California Environmental Quality Act (California Public
15 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
16 Board of Supervisors in File No. _____ and is incorporated herein by reference.

17 Section 2. The Administrative Code is hereby amended by adding new Section
18 31.08(k), to read as follows:

19 **SEC. 31.08. *CATEGORICAL EXEMPTIONS.***

20 * * * *

21 (k) *Modification of Exempt Project. Where a modification occurs to a project that the*
22 *Planning Department has determined to be exempt, prior to any subsequent approval actions, the*
23 *Environmental Review Officer shall determine whether the modification requires a new CEQA*
24 *decision.*

1 (1) For purposes of exempt projects, a modification requiring reevaluation under
2 Section 31.19(b) shall mean that the Planning Department is presented with a change in the scope of a
3 project as described in the original application upon which Planning based the exemption
4 determination, or the Planning Department is presented with new information regarding the
5 environmental impacts of the project. If the Environmental Review Officer determines that the
6 modification does not require reevaluation, such determination may be appealed to the Planning
7 Commission as provided for in Section 31.08(k)(2). If the Environmental Review Officer determines
8 that the project requires reevaluation as provided for in Section 31.19(b), the new CEQA decision
9 rendered by the Planning Department or Planning Commission, may be appealed to the Board of
10 Supervisors as provided for in Section 31.16.

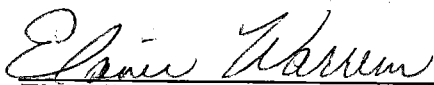
11 (2) When the Environmental Review Officer determines that the modification does
12 not require a new CEQA decision, the Environmental Review Officer shall post a notice of the
13 determination in the offices of the Planning Department and on the Planning Department website, and
14 mail such notice to the applicant, board(s), commission(s) or department(s) that will carry out or
15 approve the project, and to any individuals or organizations that have previously requested such notice
16 in writing. Any person may appeal such determination to the Planning Commission within 30 days
17 from the posting of such notice on the Planning Department website. The Planning Commission shall
18 schedule a hearing on the appeal within 30 days of the filing of the appeal and take action on the
19 appeal within 60 days of the posting of the notice on the Planning Department website. The Planning
20 Commission shall uphold the appeal if it finds that the Planning Department determination is
21 adequately supported by the record before the Planning Department and the Planning Commission. If
22 the Planning Commission rejects the Planning Department's determination, the Planning Department
23 shall prepare a new CEQA decision for the modified project as provided for in Section 31.19(b). The
24 City shall not take any action to approve the project until the appeal period has expired with no appeal
25

1 filed, or, if an appeal is filed, until the Planning Commission upholds the Planning Department's
2 determination.

3 Section 3. Effective Date. This ordinance shall become effective 30 days from the
4 date of passage.

5 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
6 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
7 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that
8 are explicitly shown in this legislation as additions, deletions, Board amendment additions,
9 and Board amendment deletions in accordance with the "Note" that appears under the official
10 title of the legislation.

11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: 
14 ELAINE WARREN
15 Deputy City Attorney

16 n:\legana\as2013\1300351\00847224.doc

LEGISLATIVE DIGEST

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

Ordinance amending Administrative Code, Chapter 31, to provide for appeal to the Planning Commission of a Planning Department determination 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 current Chapter 31. The amendment provides for a process of appealing a determination by the Planning Department to the Planning Commission when the Planning Department determines that the nature of a modification to a project it has determined to be exempt from CEQA, is insufficient to trigger the need for a new CEQA decision before a subsequent project approval action is taken.

Background Information

The ordinance is proposed to revise one aspect of the City's existing CEQA implementation procedures. A companion ordinance is also proposed that would further revise the City's existing CEQA implementation procedures.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 16, 2013

File No. 130464

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 14, 2013, Supervisor Kim introduced the following proposed legislation:

File No. 130464

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

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

NON-PHYSICAL-EXEMPTION
PURSUANT TO CEQA SECTION
15060(C)(2).

A handwritten signature in cursive script followed by the date "5/24/13".

JOY NAVARRETE

From: Malana [malana@romagroup.net]
Sent: Monday, June 10, 2013 9:42 AM
To: Chiu, David; Kim, Jane; Wiener, Scott
Cc: Miller, Alisa; True, Judson; Rauschuber, Catherine; Mar, Eric (BOS); Farrell, Mark; Tang, Katy; Breed, London; Yee, Norman (BOS); Cohen, Malia; Avalos, John; Campos, David
Subject: Save CEQA

Honorable David Chiu
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Dear President Chiu:

Thank you for your leadership on local implementation of the California Environmental Quality Act (CEQA). Your amendments have vastly improved Supervisor Scott Wiener's original CEQA legislation. I have testified many times at the Land Use Committee meetings and am very pleased with how closely you and Supervisor Kim and Supervisor Wiener listened to the many voices from around San Francisco.

The Preservation Consortium is especially pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that fair argument language has been restored to the legislation.

However, The Preservation Consortium urges the inclusion of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal.

Anything less than this will render CEQA essentially useless, as individuals and organizations will not be able to challenge projects that change from the first approval to the last. This is so very important to help save the many valuable historic resources contained in the city.

Sincerely,

Malana Moberg

From: M.A. Miller [ma-miller@msn.com]
Sent: Sunday, June 09, 2013 9:59 PM
To: Miller, Alisa; Chiu, David; True, Judson
Subject: Please amend CEQA legislation

David Chiu, President

Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: CEQA legislation

Dear President Chiu:

Thank you for the amendments that you have brought forward to improve the CEQA legislation introduced by Supervisor Weiner. **SPEAK** (Sunset-Parkside Education and Action Committee) are really pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that fair argument language has been restored to the legislation. We thank you for your leadership.

However, we urge the inclusion of several more changes in the form of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal.

Otherwise CEQA will be useless if individuals and organizations are not able to challenge projects that change from the first approval to the last.

Thank you for considering these additional amendments!

Sincerely,

Mary Anne Miller

President, **SPEAK**

Sunset-Parkside Education and Action Committee

From: Aaron Goodman [amgodman@yahoo.com]
Sent: Sunday, June 09, 2013 9:51 PM
To: Miller, Alisa; True, Judson; Rauschuber, Catherine; Mar, Eric (BOS); Pagoulatos, Nickolas; Farrell, Mark; Stefani, Catherine; Tang, Katy; Summers, Ashley; Breed, London; Johnston, Conor; Kim, Jane; Veneracion, April; Yee, Norman (BOS); Mormino, Matthias; Wiener, Scott; Power, Andres; Campos, David; Ronen, Hillary; Cohen, Malia; Bruss, Andrea; Avalos, John; Redondiez, Raquel
Subject: CEQA Legislation Hearing - Memo

Honorable David Chiu
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Dear President Chiu:

Thank you for your leadership on local implementation of the California Environmental Quality Act (CEQA). Your amendments have vastly improved Supervisor Scott Wiener's original CEQA legislation.

However, as a member of the public who has seen the issues first-hand in legislation on multiple projects citywide, I strongly urge the inclusion of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. Parkmerced was a prime example of the concern when legislation is interjected without adequate review.

That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal.

Anything less than this will render CEQA essentially useless, as individuals and organizations will not be able to challenge projects that change from the first approval to the last.

As a local architect, environmentalist, and concerned housing transit and open space advocate who has witnessed first-hand the concerns of adequate analysis and review of projects and alternatives, I am especially pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that fair argument language has been restored to the legislation.

I consistently am concerned about the impacts lobbyists and individual organizations supported by the real estate industry have impacted panels and committees from the Planning Commission to the Historical Preservation Commission, and Ethics Commission, and even the California Coastal Commission. The impacts and lack of public input, adequate review of alternatives, and the proper and inclusionary method of open comment and input must be preserved for the public's best interests.

Sincerely,

Aaron Goodman
25 Lisbon St
SF, CA 94112
T: 415.786.6929

CC:
Land Use and Economic Development Clerk Alisa Miller Alisa.Miller@sfgov.org
District Three Legislative Aide Judson True Judson.True@sfgov.org
District Three Legislative Aide Catherine Rauschuber Catherine.Rauschuber@sfgov.org

Supervisor Eric Mar Eric.L.Mar@sfgov.org
Legislative Aide Nick Pagoulatos Nickolas.Pagoulatos@sfgov.org

Supervisor Mark Farrell Mark.Farrell@sfgov.org
Legislative Aide Catherine Stefani Catherine.Stefani@sfgov.org

Supervisor Katy Tang <Katy.Tang@sfgov.org>

Legislative Aide Ashley Summers Ashley.Summers@sfgov.org

Supervisor London Breed London.Breed@sfgov.org
Legislative Aide Conor Johnston <Conor.Johnston@sfgov.org>

Supervisor Jane Kim Jane.Kim@sfgov.org
Legislative Aide April Veneracion April.Veneracion@sfgov.org

Supervisor Norman Yee Norman.Yee@sfgov.org
Legislative Aide Matthias Mormino Matthias.Mormino@sfgov.org

Supervisor Scott Wiener Scott.Wiener@sfgov.org
Legislative Aide Andres Power Andres.Power@sfgov.org

Supervisor David Campos David.Campos@sfgov.org
Legislative Aide Hillary Ronen <Hillary.Ronen@sfgov.org>

Supervisor Malia Cohen Malia.Cohen@sfgov.org
Legislative Aide Andrea Bruss Andrea.Bruss@sfgov.org

Supervisor John Avalos John.Avalos@sfgov.org
Legislative Aide Raquel Redondiez Raquel.Redondiez@sfgov.org



June 5, 2013

Honorable David Chiu
 1 Dr. Carlton B. Goodlett Place
 City Hall, Room 244
 San Francisco, Ca. 94102-4689

Dear President Chiu:

Thank you for your leadership on local implementation of the California Environmental Quality Act (CEQA). Your amendments have vastly improved Supervisor Scott Wiener's original CEQA legislation.

The Sierra Club is especially pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that fair argument language has been restored to the legislation.

However, The Sierra Club urges the inclusion of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal.

Anything less than this will substantially weaken the public's ability to track and influence projects that change over the course of the issuance of approvals by different departments and commissions.

Sincerely,

Kathryn Phillips
 Director

CC:

Land Use and Economic Development Clerk Alisa Miller
 District Three Legislative Aide Judson True Judson
 District Three Legislative Aide Catherine Rauschuber
 Supervisor Eric Mar
 Legislative Aide Nick Pagoulatos
 Supervisor Mark Farrell
 Legislative Aide Catherine Stefani
 Supervisor Katy Tang
 Legislative Aide Ashley Summers
 Supervisor London Breed
 Legislative Aide Conor Johnston
 Supervisor Jane Kim
 Legislative Aide April Veneracion
 Supervisor Norman Yee
 Legislative Aide Matthias Mormino
 Supervisor Scott Wiener
 Legislative Aide Andres Power
 Supervisor David Campos
 Legislative Aide Hillary Ronen
 Supervisor Malia Cohen
 Legislative Aide Andrea Bruss
 Supervisor John Avalos
 Legislative Aide Raquel Redondiez

From: tesw@aol.com
Sent: Thursday, June 06, 2013 10:04 AM
To: Chiu, David
Cc: Miller, Alisa; Mar, Eric (DPH); Farrell, Mark; Chiu, David; Tang, Katy; Breed, London; Kim, Jane; Yee, Norman (BOS); Wiener, Scott; Campos, David; Cohen, Malia; Avalos, John
Subject: CEQA legislation

Honorable David Chiu
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Dear President Chiu:

Thank you for your leadership on local implementation of the California Environmental Quality Act (CEQA). Your amendments have vastly improved Supervisor Scott Wiener's original CEQA legislation.

The Haight Ashbury Neighborhood Council is especially pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that fair argument language has been restored to the legislation.

However, HANC urges the inclusion of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal.

Anything less than this will render CEQA essentially useless, as individuals and organizations will not be able to challenge projects that change from the first approval to the last.

We also urge the inclusion of the noticing requirements from Supervisor Kim's legislation, which include noticing residents by email, regular mail, and posting, in addition to listing projects on Planning's web site.

Sincerely,

Kevin Bayuk
President

by Tes Welborn, Treasurer

From: Cat Bell [bellacatus@yahoo.com]
Sent: Friday, May 31, 2013 12:29 AM
To: Chiu, David
Cc: Miller, Alisa; True, Judson; Rauschuber, Catherine; Mar, Eric (BOS); Pagoulatos, Nickolas; Farrell, Mark; Tang, Katy; Summers, Ashley; Breed, London; Johnston, Conor; Kim, Jane; Veneracion, April; Yee, Norman (BOS); Mormino, Matthias; Wiener, Scott; Power, Andres; Campos, David; Ronen, Hillary; Cohen, Malia; Bruss, Andrea; Avalos, John; Redondiez, Raquel
Subject: CEQA

Dear President Chiu:

Thank you for your leadership on local implementation of the California Environmental Quality Act (CEQA). Your amendments have vastly improved Supervisor Scott Wiener's original CEQA legislation.

I am especially pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that fair argument language has been restored to the legislation.

However, I urge the inclusion of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal.

Anything less than this will render CEQA essentially useless, as individuals and organizations will not be able to challenge projects that change from the first approval to the last.

Sincerely,
Cathy Bellin

From: NINERSAM@aol.com
Sent: Thursday, May 30, 2013 10:04 AM
To: Chiu, David
Cc: Kim, Jane; Wiener, Scott; Miller, Alisa
Subject: CEQA Amendments

Supervisor David Chiu, President
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Dear President Chiu:

The Richmond community Association (RCA) would like to thank you for your leadership in crafting the CEQA amendments that will benefit all San Franciscans. The Richmond Community Association believes the amendments greatly improve Supervisor Weiner's original CEQA legislation which would have weakened the CEQA protections by:

- Shortening the Appeal time without adequate notification
- Appeals heard by a committee of three Supervisors
- Replacing fair argument language
- Allowing approvals when Appeals being heard at BOS

However, the Richmond Community Association is concern that the modification of projects originally determined to be categorically exempt from CEQA can result in projects that by-pass the CEQA process.. There must be clear criteria for the Environmental Review Officer (ERO) to determine if modifications are significant or not significant to allow a CEQA appeal. Many projects, if not most projects, change before completion. San Franciscans need a transparent process for significant modifications to a project. Anything less than this will render CEQA essentially useless.

Yours truly,
Hiroshi Fukuda, President Richmond Community Association
Chair CSFN Land Use and Housing Community

CC:
Land Use and Economic Development Clerk Alisa Miller Alisa.Miller@sfgov.org
District Three Legislative Aide Judson True Judson.True@sfgov.org
District Three Legislative Aide Catherine Rauschuber Catherine.Rauschuber@sfgov.org
Supervisor Eric Mar Eric.L.Mar@sfgov.org
Legislative Aide Nick Pagoulatos Nickolas.Pagoulatos@sfgov.org
Supervisor Mark Farrell Mark.Farrell@sfgov.org
Legislative Aide Catherine Stefani Catherine.Stefani@sfgov.org
Supervisor Katy Tang <Katy.Tang@sfgov.org>
Legislative Aide Ashley Summers Ashley.Summers@sfgov.org
Supervisor London Breed London.Breed@sfgov.org
Legislative Aide Conor Johnston <Conor.Johnston@sfgov.org>
Supervisor Jane Kim Jane.Kim@sfgov.org
Legislative Aide April Veneracion April.Veneracion@sfgov.org
Supervisor Norman Yee Norman.Yee@sfgov.org
Legislative Aide Matthias Mormino Matthias.Mormino@sfgov.org
Supervisor Scott Wiener Scott.Wiener@sfgov.org
Legislative Aide Andres Power Andres.Power@sfgov.org
Supervisor David Campos David.Campos@sfgov.org
Legislative Aide Hillary Ronen <Hillary.Ronen@sfgov.org>
Supervisor Malia Cohen Malia.Cohen@sfgov.org
Legislative Aide Andrea Bruss Andrea.Bruss@sfgov.org
Supervisor John Avalos John.Avalos@sfgov.org
Legislative Aide Raquel Redondiez Raquel.Redondiez@sfgov.org

From: tesw@aol.com
Sent: Thursday, May 30, 2013 9:50 AM
To: Chiu, David
Cc: Miller, Alisa; Rauschuber, Catherine; True, Judson; Breed, London; Johnston, Conor
Subject: CEQA

Honorable David Chiu
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Dear President Chiu:

Thank you for your leadership on local implementation of the California Environmental Quality Act (CEQA). Your amendments have vastly improved Supervisor Scott Wiener's original CEQA legislation.

I am especially pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that the fair argument language has been restored to the legislation.

Noticing of all CEQA determinations needs to include much more from Kim's legislation, informing the public directly by email, letter and poster. Having information on Planning's website for look up puts too much of a burden on ordinary citizens.

I also urge the inclusion of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal. Anything less than this will render CEQA essentially useless, as individuals and organizations will not be able to challenge projects that change from the first approval to the last.

Sincerely,
Tes Welborn
D5 Action Coordinator

From: Rupert Clayton [rupert.clayton@gmail.com]
Sent: Thursday, May 30, 2013 1:08 PM
To: Chiu, David
Cc: Miller, Alisa; True, Judson; Rauschuber, Catherine; Mar, Eric (BOS); Pagoulatos, Nickolas; Farrell, Mark; Stefani, Catherine; Tang, Katy; Summers, Ashley; Breed, London; Johnston, Conor; Kim, Jane; Veneracion, April; Yee, Norman (BOS); Mormino, Matthias; Wiener, Scott; Power, Andres; Campos, David; Ronen, Hillary; Cohen, Malia; Bruss, Andrea; Avalos, John; Redondiez, Raquel
Subject: CEQA: Modifying approved projects should require new determinations; these should be appealable

Honorable David Chiu
 1 Dr. Carlton B. Goodlett Place
 City Hall, Room 244
 San Francisco, Ca. 94102-4689

Dear President Chiu:

Thank you for your involvement in the review of local implementation of the California Environmental Quality Act (CEQA). Your amendments have much improved Supervisor Scott Wiener's original CEQA legislation.

I am especially pleased that the full Board of Supervisors has been restored as the elected body hearing appeals of EIRs and that fair argument language has been restored to the legislation.

However, I urge the inclusion of a sub-section regarding the modification of projects originally determined to be categorically exempt from CEQA. That language should say that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to appeal.

Anything less than this will render CEQA essentially useless, as individuals and organizations will not be able to challenge projects that change from the first approval to the last.

Sincerely,

Rupert Clayton

CC:
 Land Use and Economic Development Clerk Alisa Miller Alisa.Miller@sfgov.org
 District Three Legislative Aide Judson True Judson.True@sfgov.org
 District Three Legislative Aide Catherine Rauschuber Catherine.Rauschuber@sfgov.org
 Supervisor Eric Mar Eric.L.Mar@sfgov.org
 Legislative Aide Nick Pagoulatos Nickolas.Pagoulatos@sfgov.org
 Supervisor Mark Farrell Mark.Farrell@sfgov.org
 Legislative Aide Catherine Stefani Catherine.Stefani@sfgov.org
 Supervisor Katy Tang <Katy.Tang@sfgov.org>
 Legislative Aide Ashley Summers Ashley.Summers@sfgov.org
 Supervisor London Breed London.Breed@sfgov.org
 Legislative Aide Conor Johnston <Conor.Johnston@sfgov.org>
 Supervisor Jane Kim Jane.Kim@sfgov.org
 Legislative Aide April Veneracion April.Veneracion@sfgov.org
 Supervisor Norman Yee Norman.Yee@sfgov.org
 Legislative Aide Matthias Mormino Matthias.Mormino@sfgov.org
 Supervisor Scott Wiener Scott.Wiener@sfgov.org
 Legislative Aide Andres Power Andres.Power@sfgov.org

Supervisor David Campos David.Campos@sfgov.org
Legislative Aide Hillary Ronen <Hillary.Ronen@sfgov.org>
Supervisor Malia Cohen Malia.Cohen@sfgov.org
Legislative Aide Andrea Bruss Andrea.Bruss@sfgov.org
Supervisor John Avalos John.Avalos@sfgov.org
Legislative Aide Raquel Redondiez Raquel.Redondiez@sfgov.org

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 16, 2013

Planning Commission and
Historic Preservation Commission
Attn: Jonas Ionin
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On May 14, 2013, Supervisor Kim introduced the following proposed legislation:

File No. 130464

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

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

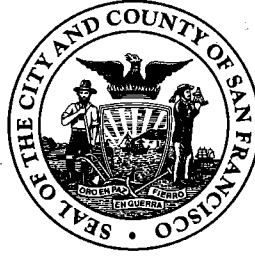
Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

- c: John Rahaim, Director of Planning
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
AnMarie Rodgers, Legislative Affairs
Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 16, 2013

File No. 130464

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 14, 2013, Supervisor Kim introduced the following proposed legislation:

File No. 130464

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

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

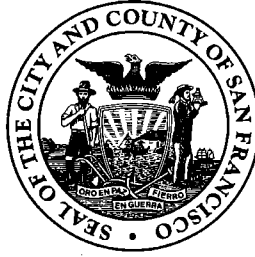
A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ed Reiskin, Director, Municipal Transportation Agency
Tom Hui, Director, Department of Building Inspection
Karen Hong Yee, County Clerk
Mohammed Nuru, Director, Department of Public Works
Barbara Garcia, Director, Department of Public Health
Chief Joanne Hayes-White, Fire Department
Fire Marshal Thomas Harvey, Fire Department
Monique Moyer, Executive Director, Port
Edward Byrne, Chief Engineer, Port
Phil Ginsburg, General Manager, Recreation and Park Department

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: May 16, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Kim on May 14, 2013:

File No. 130464

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

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Elaine Forbes, Port
Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Frank Lee, Department of Public Works
Greg Wagner, Department of Public Health
Kelly Alves, Fire Department
Sarah Ballard, Recreation and Park Department

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. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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

Sponsor(s):

Supervisor Kim, Campos, Avalos, Mar

Subject:

Administrative Code - California Quality Act Procedures, Appeal of Exempt Project Modifications

The text is listed below or attached:

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

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only:

130464