

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.**

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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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