

1 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public
2 Notice]

3 **Draft Ordinance amending Administrative Code, Chapter 31, to provide for appeals to**
4 **the Board of Supervisors of certain environmental documents and determinations**
5 **under the California Environmental Quality Act, to clarify procedures, and to provide**
6 **public notice of environmental documents and determinations.**

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

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

11 Section 1. The San Francisco Administrative Code is hereby amended by amending
12 Section 31.02, to read as follows:

13 **SEC. 31.02. POLICIES AND OBJECTIVES.**

14 The basic purposes of CEQA and this Chapter 31 are to:

15 (a) Provide decision makers and the public with meaningful information regarding
16 the environmental consequences of proposed activities.

17 (b) Identify ways that environmental damage can be avoided or significantly
18 reduced.

19 (c) Provide for public input in the environmental review process.

20 (d) Bring environmental considerations to bear at an early stage of the planning
21 process, and to avoid unnecessary delays or undue complexity of review. Simplicity and
22 directness are to be emphasized, with the type of review related to the depth and variety of
23 environmental issues raised by a project, so that government and public concern may be
24 focused upon environmental effects of true significance.

25

1 (e) Provide procedural direction on implementation of CEQA by the City.

2 (f) Consider a reasonable range of substantially less damaging alternatives that feasibly
3 attain most of a project's objectives.

4 (f)(g) Prevent significant avoidable damage to the environment by requiring changes
5 in projects through the use of alternatives or mitigation measures when the government
6 agency finds the changes to be feasible.

7 (g)(h) Disclose to the public the reasons why a governmental agency approved the
8 project in the manner the agency chose if significant environmental effects are involved.

9 (i) Resolve appeals of decisions of nonelected decision-making bodies in a fair and timely
10 manner.

11 Section 2. The San Francisco Administrative Code is hereby amended by amending
12 Section 31.04, to read as follows:

13 **SEC. 31.04. RESPONSIBILITY.**

14 (a) The City and all its officials, boards, commissions, departments, bureaus and
15 offices shall constitute a single "local agency," "public agency" or "lead agency" as those
16 terms are used in CEQA. ~~except that the San Francisco Redevelopment Agency shall be a separate~~
17 ~~"local agency" or "public agency" as specified in CEQA. With regard to establishment of any~~
18 ~~redevelopment area, the City shall be the "lead agency."~~

19 (b) The administrative actions required by CEQA with respect to the preparation of
20 environmental documents, giving of notice and other activities, as specified in this Chapter,
21 shall be performed by the San Francisco Planning Department as provided herein, acting for
22 the City. When CEQA requires posting of a notice by the county clerk of the county in which the
23 project will be located, the Planning Department shall transmit the required notice to the applicable
24 county clerk, and instruct the county clerk on the length of time the notice shall be posted and when the
25 posting shall commence.

1 (c) For appeals to the Board of Supervisors (“Board”), the Clerk of the Board of
2 Supervisors shall perform any administrative functions necessary for resolution of the appeal.

3 (d) The Historic Preservation Commission shall have the authority to review and comment
4 on all environmental documents and determinations.

5 ~~(e)~~(e) Where adoption of administrative regulations by resolution of the Planning
6 Commission after public hearing is specified herein, the Historic Preservation shall be provided
7 an opportunity to review and comment on the proposed regulations. The Planning Department shall
8 schedule public hearings at the Historic Preservation Commission and the Planning Commission,
9 which hearings ~~there~~ shall be noticed at least 20 days prior to each scheduled hearing by publication
10 in a newspaper of general circulation in the City ~~at least twenty (20) days prior to the hearing~~ and
11 by posting in the offices of the Planning Department ~~and on the Planning Department website,~~
12 with copies of the proposed regulations sent to the Board of Supervisors and any other
13 affected boards, commissions and departments of the City and to all organizations and
14 individuals who have previously requested such notice in writing. Any comments of the Historic
15 Preservation Commission shall be provided in writing to the Planning Commission in advance of its
16 hearing thereon. The Planning Commission may adopt, modify or disapprove the administrative
17 regulations, taking into consideration the comments of the Historic Preservation Commission. The
18 decision of the Planning Commission in adopting administrative regulations shall be final.

19 ~~(d)~~(f) The City shall be responsible for conducting environmental review for projects
20 undertaken by the City within the City's territorial limits and for projects undertaken by the City
21 outside the territorial limits of the City.

22 (g) All notices required by this Chapter 31 shall be provided by mail in hard copy form
23 unless an individual or organization has requested notice in electronic form. Electronic notification
24 shall not be used when CEQA requires mailed notice by the United States Postal Service in hard copy
25

1 form. All notices required by this Chapter 31 to be posted in the Planning Department shall also be
2 posted on the Planning Department's website.

3 Section 3. The San Francisco Administrative Code is hereby amended by amending
4 Section 31.05, to read as follows:

5 **SEC. 31.05. OFFICE OF ENVIRONMENTAL REVIEW.**

6 (a) An Office of Environmental Review is hereby created in the Planning
7 Department, which shall be responsible, acting through the Director of Planning, for the
8 administration of this Chapter 31.

9 (b) Said office shall be under the direction of an Environmental Review Officer, who
10 shall supervise the staff members of the office and have charge of the collection of fees by the
11 office. The Environmental Review Officer shall report to, and coordinate and consult with, the
12 Director of Planning.

13 (c) In addition to the powers and duties conferred below, the Environmental Review
14 Officer may, upon delegation by the Planning Commission as to specific projects, take
15 testimony at supplemental public hearings on draft environmental impact reports, in addition
16 to, and not in lieu of, the hearing_s held by the Planning Commission and the Historic
17 Preservation Commission as set forth in section 31.14 of this Chapter, and shall report to, and
18 make all such testimony available to, the Planning Commission and the Historic Preservation
19 Commission at ~~their~~ public hearing_s.

20 (d) The Environmental Review Officer shall also take such measures, within his or
21 her powers, as may be necessary to assure compliance with this Chapter 31 by persons,
22 officials, boards, commissions, departments or agencies outside the Planning Department, and
23 shall periodically review the effectiveness and workability of the provisions of this Chapter 31
24 and recommend any refinements or changes that he or she may deem appropriate for
25 improvement of such provisions.

1 (e) All projects that are not ~~excluded or categorically~~ exempt from CEQA as defined in
2 Section 31.08(a) of this Chapter 31 shall be referred to the Environmental Review Officer for
3 environmental review. All other officials, boards, commissions, departments, bureaus and
4 offices of the City shall cooperate with the Environmental Review Officer in the exercise of
5 his/her responsibilities, and shall supply necessary information, consultations and comments.

6 (f) The Environmental Review Officer shall be responsible for assuring that the City
7 is carrying out its responsibilities set forth in CEQA. In addition, when the City is to carry out or
8 approve a project and some other public agency is the "lead agency," as defined by CEQA,
9 and where projects are to be carried out or approved by the State and Federal governments,
10 the Environmental Review Officer shall provide consultation and comments for the City to the
11 other government agencies when appropriate.

12 (g) To the extent feasible, the Environmental Review Officer shall combine the
13 evaluation of projects, preparation of environmental impact reports and conduct of hearings
14 with other planning processes; and shall coordinate environmental review with the Capital
15 Improvement Program, the San Francisco General Plan and the San Francisco Planning
16 Code.

17 (h) Adoption and/or revision of administrative regulations and any forms, checklists and
18 processing guidelines to implement CEQA shall be by resolution of the Planning Commission
19 after ~~a~~ the public hearings held according to Section 31.04(e) of this Chapter 31. ~~The Environmental~~
20 ~~Review Officer may adopt necessary forms, checklists and processing guidelines to implement CEQA~~
21 ~~and this Chapter 31 without a public hearing.~~

22 (i) Upon prior authorization by the Planning Commission, the Environmental
23 Review Officer may attend hearings and testify on matters related to CEQA before
24 governmental organizations and agencies other than governmental agencies of the City and
25 County of San Francisco and may advocate on behalf of the City on matters related to CEQA.

1 (j) The Environmental Review Officer may provide information to other
2 governmental or environmental organizations and members of the public.

3 (k) The Environmental Review Officer may delegate his or her responsibilities to an
4 employee of the Office of Environmental Review. All references herein to the Environmental
5 Review Officer shall be deemed to include the Environmental Review Officer's delegate.

6 Section 4. The San Francisco Administrative Code is hereby amended by amending
7 Section 31.06, to read as follows:

8 **SEC. 31.06. COVERAGE OF STATE LAW.**

9 CEQA provides that certain kinds of projects ~~may be~~ subject to CEQA. ~~Some of these~~
10 ~~while other projects~~ may be excluded or ~~category~~ exempt from CEQA. If a project is not
11 excluded or ~~category~~ exempt, CEQA provides a process whereby an initial study is
12 completed, then a determination is made as to whether a negative declaration, mitigated
13 negative declaration, or an environmental impact report ("EIR") ~~should~~ will be prepared. In
14 accordance with the requirements of CEQA and as specified herein, the Planning
15 Commission and/or the Environmental Review Officer shall determine when CEQA applies to
16 a project, when the project is excluded or exempt, or when a negative declaration, mitigated
17 negative declaration, or environmental impact report is required.

18 Section 5. The San Francisco Administrative Code is hereby amended by amending
19 Section 31.08, to read as follows:

20 **SEC. 31.08. ~~CATEGORICAL~~ EXEMPTIONS.**

21 (a) CEQA provides that certain classes of projects are exempt from CEQA either
22 because the project is (i) exempt by statute ("statutory exemption"); (ii) the project falls within certain
23 classes of projects that generally do not have a significant effect on the environment and
24 therefore are categorically exempt from CEQA in accordance with the letter and the intent
25 expressed in the classes of categorical exemptions specified in CEQA ("categorical exemption"); (iii)

1 the activity is covered under the general rule that CEQA applies only to projects with the potential for
2 causing a significant effect on the environment, thus, where it can be seen with certainty that there is no
3 possibility that the activity in question may have a significant effect on the environment, the activity is
4 not subject to CEQA ("general rule exclusion"); or (iv) in certain cases, CEQA streamlining
5 procedures may allow reliance on a prior environmental document prepared on a zoning or planning
6 level decision except as might be necessary to examine whether there are project-specific significant
7 effects which are peculiar to the project or its site ("community plan exemption"). Unless otherwise
8 specifically stated, reference in this Chapter 31 to "exemptions" or "exempt from CEQA" or an
9 "exemption determination" shall collectively refer to statutory exemptions, categorical exemption,
10 general rule exclusions, and community plan exemptions.

11 (b) When a project that is the subject of an exemption determination involves multiple
12 discretionary approvals, each new project-related discretionary decision or approval shall be subject
13 to review based on information attending that decision or approval to determine if the project is exempt
14 from CEQA or requires environmental review. Each project-related discretionary approval based on
15 an exemption determination shall be subject to the notice provisions in Sections 31.08(f) and 31.08(g)
16 of this Chapter 31 and to appeal pursuant to Section 31.16 of this Chapter 31.

17 (c) For categorical exemptions:

18 (1) CEQA requires that public agencies create and maintain a ~~Each public agency must~~ list
19 ~~the of~~ specific activities that fall within each ~~each~~ categorical exemption class, ~~subject to the~~
20 ~~qualification that these lists must be~~ consistent with ~~both~~ the letter and the intent of the classes
21 set forth in CEQA. ~~Except as provided in this section 31.08, projects that are categorically exempt~~
22 ~~are not subject to the requirements of this Chapter 31.~~

23 (b)(2) The Environmental Review Officer shall maintain the required list ~~of types of~~
24 ~~projects which are categorically exempt, and such list and it~~ shall be kept posted in the offices of
25 the Planning Department ~~and on the Planning Department website and shall be provided to all City~~

1 ~~departments. Such~~The list shall be kept up to date ~~in accordance with any~~ to implement changes in
2 CEQA and ~~any~~ changes in the status of local projects. The initial list and any additions,
3 deletions and modifications ~~thereto~~ shall be adopted as administrative regulations by
4 resolution of the Planning Commission after public hearings thereon held according to the
5 procedure set forth in Section 31.04~~(e)~~(e) of this Chapter 31.

6 ~~(e)(2)~~ CEQA ~~provides for~~allows public agencies to request that the Secretary of the
7 Resources Agency make additions, deletions and modifications to the classes of projects listed
8 as categorically exempt in CEQA. The Planning Commission or the Historic Preservation
9 Commission shall make any such requests, after ~~the~~ public hearings s thereon held according to
10 the procedure specified in Section 31.04~~(e)~~(e) of this Chapter 31 for adoption of administrative
11 regulations.

12 (d) The Environmental Review Officer may create ~~adopt necessary~~ forms, checklists
13 and processing guidelines to aid the Planning Department and other departments in
14 determining ~~that whether~~ a project may be categorically exempt from ~~in accordance with the letter~~
15 ~~and the intent expressed in the classes of categorical exemptions specified in~~ CEQA, which shall be
16 subject to review and approval ~~and with the administrative regulations adopted by the Planning~~
17 Commission and Historic Preservation Commission.

18 (e) The Environmental Review Officer shall be responsible for determining whether a
19 project is exempt from CEQA. The Environmental Review Officer shall advise other departments of
20 the ~~categorical exemptions. The Environmental Review Officer requirements of CEQA for determining~~
21 whether a project is exempt from environmental review and may delegate to them the analysis
22 necessary for ~~determination~~ determining whether a project is categorically exempt from CEQA.
23 The Environmental Review Officer may consult with and rely on the analysis by other departments in
24 making his/her determination. ~~to other departments, provided that other departments shall consult with~~
25 ~~the Environmental Review Officer regarding the application of the categorical exemptions, and~~

1 ~~provided further that the Environmental Review Officer shall be responsible for all determinations so~~
2 ~~delegated to other departments.~~

3 (f) Certificates of Determination of Exemption. When the Environmental Review
4 Officer, or any other department to which the Environmental Review Officer has delegated
5 responsibility pursuant to Section 31.08(e) above, has determined that a project is ~~excluded or~~
6 ~~categorically~~ exempt from CEQA:

7 (1) ~~The Environmental Review Officer shall notice-issue a Certificate of Determination of~~
8 ~~Exemption to the public shall be provided~~ for all ~~such exemption~~ determinations involving ~~the~~
9 ~~following types of projects: (1) any historical resources as defined in CEQA, including without~~
10 ~~limitation; (i) any buildings and sites listed individually or located within districts listed (i)(A) in~~
11 ~~Planning Code Articles 10 or 11, (ii)(B) in City-recognized any historical resource surveys that~~
12 ~~have been adopted by or officially recognized by the City, (iii)(C) on-in the California Register or~~
13 ~~determined to be eligible for listing in the California Register by the State Historical Resources~~
14 ~~Commission, including, without limitation, any location listed or determined eligible for, or (iv) on the~~
15 ~~National Register of Historic Places; (ii) any other resource for which substantial evidence supports~~
16 ~~a finding of historic significance, including but not limited to compliance with the criteria of Public~~
17 ~~Resources Code Section 5024.1; (2)(iii) any Class 31 categorical exemption; (3)(iv) any~~
18 ~~demolition, as defined in Planning Code Section 1005(f) or in Planning Code Section 317, of an~~
19 ~~existing structure; or, (3)(v) any Class 32 categorical exemption; (vi) any alteration to a building~~
20 ~~50 years or older; or (vii) any project within or affecting a publicly owned park or open space; (viii)~~
21 ~~any community plan exemption, which shall include evidence that the project would have no project~~
22 ~~specific environmental effects pursuant to Section 31.10 of this Chapter 31. Written determinations of~~
23 ~~categorical exemptions for these types of projects shall be posted in the offices of the Planning~~
24 ~~Department and shall be mailed to any individuals or organizations that have previously requested~~
25 ~~such notice in writing.~~

1 ~~(g)(2) When the Environmental Review Officer, or any other department to which the~~
2 ~~Environmental Review Officer has delegated responsibility pursuant to Section 31.08(e) above, has~~
3 ~~made an exemption determination, the~~ The Environmental Review Officer may, but is not required
4 to, issue a Certificate of Determination of Exemption from Environmental Review by posting a copy
5 thereof for any exemption determinations involving projects not listed in Section 31.08(f)(1) of this
6 Chapter 31.

7 (3) Each Certificate of Determination of Exemption shall on a standard form and shall
8 include a description of the project determined to be exempt and the specific type and class of
9 exemption claimed. Each Certificate of Determination of Exemption shall be posted in the offices of
10 the Planning Department and on the Planning Department website, and by mailing copies thereof
11 shall be mailed to the applicant, the board(s), commission(s) or department(s) that will carry out
12 or approve the project, and to any individuals or organizations that have previously requested
13 such notice in writing.

14 (g) When the Planning Department or other City department provides public notice of any
15 project approval to be considered at a public hearing before the Planning Commission, the Historic
16 Preservation Commission, the Zoning Administrator or any other City board or commission, the notice
17 shall (1) describe and any exemption determination that has been made by the Environmental Review
18 Officer for the proposed project; (2) explain how to obtain a copy of the exemption determination; and
19 (3) explain that any person may raise objections to the exemption determination at or before the
20 hearing.

21 (h) The Planning Commission, the Historic Preservation Commission, the Zoning
22 Administrator or any other City board or commission ~~may~~ shall take testimony on any ~~category~~
23 exemption determination at ~~the any~~ public hearing held on a, if any, in connection with the Planning
24 Commission's consideration of the project that has been determined to be exempt is the subject of the
25 category exemption. Testimony on the exemption determination shall be allowed prior to and

1 separate from consideration of any project approvals. If any City board or commission finds the
2 exemption determination to be unsupported, the project may not be considered for approval pending
3 preparation of an adequate environmental document.

4 (i) **Notices of Exemption.** Following the issuance of a discretionary permit or other
5 approval for a project that is the subject of an exemption determination, the Environmental Review
6 Officer may file a Notice of Exemption with the county clerk in the county or counties in which the
7 project is to be located. Any such Notice of Exemption shall also be posted in the offices of the
8 Planning Department and on the Planning Department website, shall be mailed to the applicant, the
9 board(s), commission(s) or department(s) that will carry out or approve the project, and to any
10 individuals or organizations that have previously requested such notice in writing. A Notice of
11 Exemption shall only be effective for project-related actions taken before it is filed and posted, and is
12 not effective as to a project's subsequent discretionary approvals, if any. Subsequent Notices of
13 Exemption may be similarly filed and posted. A Notice of Exemption shall not be filed until after-the
14 appeal period for the exemption determination has expired and any appeals have been finally resolved
15 and the exemption determination becomes final.

16 (j) **Where a modification occurs to a project that has been determined to be exempt, the**
17 Environmental Review Officer shall make a new determination as provided in Section 31.19 of this
18 Chapter 31. If the project is again determined exempt, the determination and the reasons therefore
19 shall be noted in the case record and posted in the offices of the Planning Department and on the
20 Planning Department website, and shall be mailed to the applicant, the board(s), commission(s) or
21 department(s) that will carry out or approve the project, and to any individuals or organizations that
22 have previously requested such notice in writing.

23 Section 6. The San Francisco Administrative Code is hereby amended by amending
24 Section 31.10, to read as follows:
25

1 **SEC. 31.10. INITIAL EVALUATION OF PROJECTS.**

2 (a) Upon receiving an environmental evaluation application for a project, or upon
3 referral of a project by the board, commission or department that is to carry out or approve the
4 project, the Environmental Review Officer shall determine whether such project is exempt
5 from environmental review. If not exempt, the Environmental Review Officer shall complete an
6 initial study to determine the level of environmental analysis required. In the event it is clear at
7 the outset that an environmental impact report is required, the Environmental Review Officer
8 may, with the consent of the applicant, make an immediate determination and dispense with
9 the initial study. Each environmental evaluation application or referral shall include a project
10 description using as its base the environmental information form set forth as Appendix H of
11 the CEQA Guidelines, which form shall be supplemented to require additional data and
12 information applicable to a project's effects, including consistency with the environmental
13 issues included in the Eight Priority Policies set forth in Section 101.1 of the Planning Code
14 and incorporated into the General Plan, shadow impacts, including the analysis set forth in
15 Planning Code Section 295, and such other data and information specific to the urban
16 environment of San Francisco or to the specific project. Each environmental evaluation
17 application or referral shall be certified as true and correct by the applicant or referring board,
18 commission or department. Each initial study shall include an identification of the
19 environmental effects of a project using as its base the environmental checklist form set forth
20 in Appendix G of the CEQA Guidelines and addressing each of the questions from the
21 checklist form that are relevant to a project's environmental effects; provided that the checklist
22 form shall be supplemented to address additional environmental effects, including consistency
23 with the environmental issues included in the Eight Priority Policies set forth in Section 101.1
24 of the Planning Code and incorporated into the General Plan, shadow impacts, including the

1 analysis set forth in Planning Code Section 295, and such other environmental effects specific
2 to the urban environment of San Francisco or to the specific project.

3 (b) The initial study shall provide data and analysis regarding the potential for the
4 project to have a significant effect on the environment. The basic criteria for determination of
5 significant effect shall be consistent with the provisions set forth in CEQA.

6 (c) The applicant or the board, commission or department that is to carry out or
7 approve the project shall submit to the Environmental Review Officer such data and
8 information as may be necessary for the initial study. If such data and information are not
9 submitted, the Environmental Review Officer may suspend work on the initial evaluation.

10 (d) During preparation of the initial study, the Environmental Review Officer may
11 consult with any person having knowledge or interest concerning the project. In cases in
12 which the project is to be carried out or approved by more than one government agency and
13 the City is the lead agency, the Environmental Review Officer shall solicit input from all other
14 government agencies that are to carry out or approve the project.

15 (e) If a project is subject to CEQA and the National Environmental Policy Act, an
16 initial evaluation prepared pursuant to the National Environmental Policy Act may be used to
17 satisfy the requirements of this Section.

18 (f) Based on the analysis and conclusions in the initial study, the Environmental
19 Review Officer shall determine, based on the requirements of CEQA, whether there is a "fair
20 argument" that the project ~~could~~may have a significant effect on the environment and whether
21 a negative declaration or environmental impact report shall be prepared.

22 ~~————— (f) ——— Based on the analysis and conclusions in the initial study, the Environmental~~
23 ~~Review Officer shall determine, based on the requirements of CEQA, whether the project could have a~~
24 ~~significant effect on the environment, and whether a negative declaration or environmental impact~~
25 ~~report shall be prepared.~~

1 Section 7. The San Francisco Administrative Code is hereby amended by amending
2 Section 31.11, to read as follows:

3 **SEC. 31.11. NEGATIVE DECLARATIONS OR MITIGATED NEGATIVE**
4 **DECLARATIONS.**

5 (a) When the Environmental Review Officer determines that a ~~any~~ negative declaration
6 or a mitigated negative declaration is the appropriate level of environmental review required, it shall
7 be prepared by or at the direction of the Environmental Review Officer. Unless otherwise
8 specifically stated, reference in this Chapter 31 to “negative declaration” shall refer to both a negative
9 declaration and a mitigated negative declaration. The negative declaration shall include all
10 information required by CEQA and in any event shall describe the project proposed, include the
11 location of the property, preferably shown on a map, and the name of the project proponent,
12 state the proposed finding that the project could not have a significant effect on the
13 environment, and have attached to it a copy of the initial study documenting reasons to
14 support that finding. ~~The~~ A mitigated negative declaration shall also indicate mitigation
15 measures, ~~if any,~~ included in the project to avoid potentially significant effects.

16 (b) The Environmental Review Officer shall first prepare a negative declaration on a
17 preliminary basis, and shall post a copy of the proposed negative declaration in the offices of
18 the Planning Department and on the Planning Department website and mail notice thereof to the
19 applicant and the board(s), commission(s) or department(s) that will carry out or approve the
20 project. In addition, the Environmental Review Officer shall refer all preliminary negative
21 declarations for the types of projects set forth in Subsections 31.08(f)(1)(i) through (vi) of this Chapter
22 31 to the Historic Preservation Commission for its review and comment, which the Environmental
23 Review Officer shall consider prior to the completion of the negative declaration.

1 (c) The Environmental Review Officer shall provide a notice of intent to adopt a
2 negative declaration ~~or mitigated negative declaration~~ to those persons required by CEQA and in any
3 event by:

4 (1) Mail to the applicant and the board(s), commission(s) or department(s) that will carry
5 out or approve the project,

6 (2) ~~by publication~~ Publication in a newspaper of general circulation in the City,

7 (3) ~~by posting~~ Posting in the offices of the Planning Department and on the Planning
8 Department website,

9 (4) Posting on the subject site, and

10 (5) ~~by mail~~ Mail to the owners and, to the extent practical, the residential occupants, of all
11 real property within the area that is the subject of the negative declaration and within 300 feet
12 of all exterior boundaries of such area, and by mail to all organizations and individuals who
13 have previously requested such notice in writing, sufficiently prior to adoption of the negative
14 declaration to allow the public and agencies a review period of not less than ~~twenty~~ (20) days,
15 or ~~thirty~~ (30) days if a 30-day circulation period is required by CEQA. In the case of City-sponsored
16 projects that involve rezonings, area plans or General Plan amendments and are either citywide in
17 scope or the total area of land that is part of the project, excluding the area of public streets and alleys,
18 is 20 acres or more, the Environmental Review Officer shall only be required to mail notice to the
19 owners or occupants within the exterior boundaries of the project area.

20 (6) For the types of projects set forth in Subsections 31.08(f)(1)(i) through (vi) of
21 this Chapter 31, the Environmental Review Officer shall provide the notice of intent to the Historic
22 Preservation Commission and schedule a public hearing on the negative declaration to be held at least
23 8 days prior to approval of the negative declaration, to afford the Historic Preservation Commission an
24 opportunity to review and comment on the negative declaration.

1 (d) The notice of intent shall specify the period during which comments are to be
2 received, the date, time and place of any public hearings on the project when known to the
3 Planning Department at the time of the notice, a brief description of the project and its location,
4 and the address where copies of the negative declaration and all documents referenced in the
5 negative declaration are available for review.

6 (e) Within ~~twenty (20)~~ days, or ~~thirty (30)~~ days if a 30-day circulation period is required
7 by CEQA, following the publication of ~~such~~the notice of intent, any person may appeal the
8 proposed negative declaration to the Planning Commission, specifying the grounds for such
9 appeal, ~~or. Any person may~~ submit comments on the proposed negative declaration.

10 (f) The Planning Commission shall ~~hold~~schedule a public hearing on any such
11 appeal within not less than ~~fourteen (14)~~ nor more than ~~thirty (30)~~ days after the close of the
12 appeal period. Notice of such hearing shall be posted in the offices of the Planning
13 Department and on the Planning Department website, and shall be mailed to the appellant, to the
14 applicant, to the board(s), commission(s) or department(s) that will carry out or approve the
15 project, to any individual or organization that has submitted comments on the proposed
16 negative declaration, and to any other individual(s) or organization(s) that ~~has~~have previously
17 requested such notice in writing.

18 (g) After such hearing the Planning Commission shall affirm the proposed negative
19 declaration unless it finds that the record supports a fair argument that the project ~~could not~~ may
20 have a significant effect on the environment. If it finds that the record does support a fair argument
21 that the project may have a significant effect on the environment, the Planning Commission shall make
22 specific findings to, ~~may refer the proposed negative declaration back to the Planning Department for~~
23 revisions, or shall overrule overturn the proposed negative declaration and order preparation of
24 an environmental impact report ~~if it finds that the project may have a significant effect on the~~
25 environment.

1 (h) If the proposed negative declaration is not appealed as provided herein, or if it is
2 affirmed on appeal, the negative declaration shall be considered final, subject to any
3 necessary modifications. Thereafter, the first City decision-making body to act on approval of
4 the project shall review and consider the information contained in the final negative
5 declaration, together with any comments received during the public review process, and, upon
6 making the findings ~~as provided in~~ required by CEQA, shall adopt the negative declaration or
7 reject the negative declaration, in which case it may send it back for revisions, including proposed
8 mitigation measures, or request the preparation of an EIR, prior to approving the project. All
9 decision-making bodies shall review and consider the negative declaration and make findings
10 as required by CEQA prior to approving the project. In the event any decision-making body to act
11 on an approval of the project determines that the negative declaration does not provide adequate
12 information for the project to be approved, the decision-making body shall make findings regarding
13 such deficiencies and shall delay consideration of approval of the project pending receipt of additional
14 environmental information, or may disapprove the project.

15 (i) If the City adopts a mitigated negative declaration, the decision-making body
16 shall also adopt a program for reporting on ~~or~~ and monitoring the mitigation measures for the
17 project that it has either required or made a condition of approval to mitigate or avoid
18 significant environmental effects.

19 (j) ~~After the City has decided~~ Following the City's decision to carry out or approve the
20 project subject to a final negative declaration, the Environmental Review Officer may file a notice
21 of determination with the county clerk in the county or counties in which the project is to be
22 located; provided that it shall not be filed until after the final appeal period for the negative
23 declaration has expired and any appeals have been finally resolved and the negative declaration
24 becomes final. If required by CEQA, the notice of determination shall also be filed with the
25 California Office of Planning and Research. In the event the Environmental Review Officer files a

1 notice of determination with the county clerk and/or the California Office of Planning and Research, a
2 copy of such notice shall also be posted in the offices of the Planning Department and on the Planning
3 Department website, and shall be mailed to any individuals or organizations who have previously
4 requested such notice in writing.

5 Section 8. The San Francisco Administrative Code is hereby amended by amending
6 Section 31.12, to read as follows:

7 **SEC. 31.12. DETERMINATIONS THAT ENVIRONMENTAL IMPACT REPORTS ARE**
8 **REQUIRED.**

9 If it is determined that a project may have a significant effect on the environment that
10 cannot be avoided or mitigated to a less than significant level and, therefore, ~~that~~ an environmental
11 impact report is required, the Environmental Review Officer shall distribute a notice of
12 preparation in the manner and containing the information required by CEQA and provide such other
13 notice as required by CEQA. In addition, the Environmental Review Officer shall prepare a notice
14 advising the public of the notice of preparation and of any scheduled scoping meetings and publish the
15 notice of preparation in a newspaper of general circulation in the City, ~~shall~~ post the notice of
16 preparation in the offices of the Planning Department and on the Planning Department website,
17 and ~~shall~~ mail the notice of preparation to the applicant, the board(s), commission(s) or
18 department(s) that will carry out or approve the project and to all organizations and individuals
19 who have previously requested such notice in writing. The Environmental Review Officer shall
20 provide such other notice as required by CEQA.

21 Section 9. The San Francisco Administrative Code is hereby amended by amending
22 Section 31.13, to read as follows:

23 **SEC. 31.13. DRAFT ENVIRONMENTAL IMPACT REPORTS.**
24
25

1 (a) When an environmental impact report ("EIR") is required, it shall be prepared by
2 or at the direction of the Environmental Review Officer. The EIR shall first be prepared as a
3 draft report.

4 (b) The applicant or the board, commission or department that is to carry out or
5 approve the project shall submit to the Environmental Review Officer such data and
6 information as may be necessary to prepare the draft EIR. If such data and information are
7 not submitted, the Environmental Review Officer may suspend work on the draft EIR. The
8 data and information submitted shall, if the Environmental Review Officer so requests, be in
9 the form of all or a designated part or parts of the proposed draft EIR itself, although the
10 Environmental Review Officer shall in any event make his or her own evaluation and analysis
11 and exercise his or her independent judgment in preparation of the draft EIR for public review.

12 (c) During preparation of the draft EIR, the Environmental Review Officer may
13 consult with any person having knowledge or interest concerning the project. If he/she has not
14 already done so in accordance with Section 31.10 above, in cases in which the project is to be
15 carried out or approved by more than one public agency, the Environmental Review Officer
16 shall consult with all other public agencies that are to carry out or approve the project. For the
17 types of projects set forth in Section 31.08(f)(1)(i) through (vi) of this Chapter 31 and for all projects
18 that may be subject to the approval of the Historic Preservation Commission, the Environmental
19 Review Officer shall consult with the Historic Preservation Commission.

20 (d) When the draft EIR has been prepared, the Environmental Review Officer shall
21 file a notice of completion of such draft with the California Office of Planning and Research as
22 required by CEQA and make the draft EIR available through the State Clearinghouse if and as
23 required by the California Office of Planning and Research. In addition, a copy of such notice, or
24 a separate notice containing the same information, shall thereupon be posted in the offices of
25 the Planning Department and on the Planning Department website, and on the subject site, and

1 mailed to the applicant, the board(s), commission(s) or department(s) that will carry out or
2 approve the project, and to any individual or organization that has previously requested such
3 notice in writing. The notice of completion shall be sent by mail to the owners and, to the extent
4 practical, the residential occupants, of all real property within the area that is the subject of the
5 environmental impact report and within 300 feet of all exterior boundaries of such area. In the
6 case of City-sponsored projects that involve rezonings, area plans or General Plan amendments and
7 are either citywide in scope or the total area of land that is part of the project, excluding the area of
8 public streets and alleys, is 20 acres or more, the Environmental Review Officer shall only be required
9 to mail notice to the owners or occupants within the exterior boundaries of the project area. A The
10 Planning Department shall provide a copy of the draft EIR ~~shall be provided~~ to the applicant and
11 to such board(s), commission(s) or department(s) and to any individual or organization that
12 has so requested.

13 Section 10. The San Francisco Administrative Code is hereby amended by amending
14 Section 31.14, to read as follows:

15 **SEC. 31.14. CONSULTATIONS AND COMMENTS.**

16 (a) The Environmental Review Officer shall provide public notice of the availability of the
17 draft EIR and schedule a public hearing on the draft EIR with the Planning Commission. The
18 Environmental Review Officer shall provide the notice of availability at the same time that the notice of
19 completion is filed as required by CEQA. The notice of availability shall be distributed at least 30 days
20 prior to any scheduled public hearing on the draft EIR. The notice of availability shall be distributed in
21 the manner required by CEQA and in any event notice ~~Notice~~ shall be:

22 (1) sent ~~sent~~ to public agencies with jurisdiction by law, and persons with special
23 expertise as follows: ~~after filing a notice of completion as required by CEQA,~~

24
25

1 (i) _____ The Environmental Review Officer shall send a copy of the draft EIR to any
2 public agencies as required by CEQA, and may send copies to and consult with persons who
3 have special expertise with respect to any environmental impact involved.

4 ~~(b)~~(ii) _____ In sending such copies, the Environmental Review Officer shall request
5 comments on the draft EIR from such agencies and persons, with particular focus upon the
6 sufficiency of the draft EIR in discussing possible effects on the environment, ways in which
7 adverse effects may be minimized, and alternatives to the project.

8 (iii) _____ For the types of projects set forth in Section 31.08(f)(1)(i) through (vi) of this Chapter
9 31 and for all projects that may be subject to the approval of the Historic Preservation Commission,
10 the Environmental Review Officer shall send a copy of the draft EIR to the Historic Preservation
11 Commission requesting its comments and shall schedule a public hearing before the Historic
12 Preservation Commission to be held at least 10 days prior to any Planning Commission hearing on the
13 draft EIR, at which hearing the Environmental Review Officer will take testimony on the draft EIR.

14 (2) _____ Posted in the offices of the Planning Department, on the Planning Department website,
15 and on the subject site.

16 (3) _____ Published in a newspaper of general circulation in the City.

17 (4) _____ Mailed to the applicant, the board(s), commission(s) or department(s) that will carry out
18 or approve the project, and to any individuals or organizations that previously have requested such
19 notice in writing.

20 (5) _____ Mailed to the owners and, to the extent practical, the residential occupants, of all real
21 property within the area that is the subject of the environmental impact report and within 300 feet of all
22 exterior boundaries of such area. In the case of City-sponsored projects that involve rezonings, area
23 plans or General Plan amendments and are either citywide in scope or the total area of land that is
24 part of the project, excluding the area of public streets and alleys, is 20 acres or more, the
25

1 Environmental Review Officer shall only be required to mail notice to the owners or occupants within
2 the exterior boundaries of the project area.

3 (b) The notice of availability shall contain the information required by CEQA and in any
4 event shall:

5 (e)(1) ~~Each notice and request for comments shall state~~ State the starting and ending dates for
6 the draft EIR review period during which the Environmental Review Officer will receive comments ~~that~~
7 any comments must be returned within a certain time after the sending of the draft EIR, and if
8 comments are not returned within that time it shall be assumed that the agency or person has
9 no comment to make ~~that requires a written response in the EIR.~~ The ~~time limit shall normally be~~
10 ~~thirty (30) days, or forty-five (45) days if required by CEQA~~ public review period shall be not less than
11 30 days nor more than 60 days under normal circumstances. ~~When a draft EIR is submitted to the State~~
12 Clearinghouse for review by state agencies, the public review period shall not be less than 45 days,
13 unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. The
14 Environmental Review Officer may allow a longer period for comments on projects of
15 exceptional size or complexity. The Planning Commission or the Environmental Review
16 Officer may, upon the request of an agency, commission or person from whom comments are
17 sought, grant an extension of time beyond the original period for comments, but such
18 extension shall not interfere with the holding of any hearing on the draft EIR for which notice
19 has already been given.

20 (2) State the time, place and date of the scheduled Planning Commission hearing on the
21 draft EIR and all hearings at which the Environmental Review Officer will take testimony.

22 (c) The Planning Department shall make the draft EIR available to the public upon the date
23 of the notice of availability. The Planning Department shall post a copy of the draft EIR on the
24 Planning Department website and provide a copy of the draft EIR in electronic form on a text
25 searchable digital storage device or by text searchable electronic mail transmission when an email

1 address is provided, unless a printed hard copy is specifically requested, to the applicant and to such
2 board(s), commission(s) or department(s) and to any individuals or organizations that previously have
3 requested a copy in writing.

4 (d) ~~Notice to the general public shall be provided as follows:~~

5 (1)——Public participation, both formal and informal, shall be encouraged at all stages
6 of review, and written comments that require a written response in the EIR shall be accepted at
7 any time up to the conclusion of the public comment period. The Environmental Review
8 Officer may give public notice at any formal stage of the review process, beyond the notices
9 required by this Chapter 31 and CEQA, in any manner it may deem appropriate, and ~~may~~
10 ~~maintain a public log as~~ shall post on the Planning Department website the current status of all
11 projects under formal review. ~~Members of the general public shall be encouraged to submit their~~
12 ~~comments in writing as early as possible.~~

13 (2)——~~The draft EIR shall be available to the general public upon filing of the notice of~~
14 ~~completion.~~

15 (3)(e) The Planning Commission shall hold a public hearing on every draft EIR during
16 the public comment period, with such hearing combined as much as possible with other
17 activities of the Planning Commission, provided that public comment on the draft EIR shall be
18 allowed prior to and separate from the Planning Commission consideration of any project approvals.

19 The Environmental Review Officer may, upon delegation by the Planning Commission, take
20 testimony at supplemental public hearing(s) on draft EIRs, in addition to, and not in lieu of, the
21 hearing conducted by the Planning Commission, and shall report to and make all testimony
22 received by the Environmental Review Officer available to the Planning Commission at a
23 public hearing. ~~Notice of the Planning Commission hearings and all hearings at which the~~
24 ~~Environmental Review Officer takes testimony shall be given by publication in a newspaper of general~~
25 ~~circulation in the City at least 30 days prior to the hearing, by posting in the offices of the Planning~~

1 ~~Department, by posting on or near the site proposed for the project; and by mail sent not less than 30~~
2 ~~days prior to the hearing to the applicant, to the board, commission or department that is to carry out~~
3 ~~or approve the project, and to any other individual or organization requesting such notice.~~

4 (4)(f) The draft EIR, including any revisions made prior to or during the public hearing,
5 shall be the basis for discussion at the hearing. To the extent feasible, any comments already
6 received from any agency, organization or individual shall be available at the public hearing.

7 Section 11. The San Francisco Administrative Code is hereby amended by amending
8 Section 31.15, to read as follows:

9 **SEC. 31.15. FINAL ENVIRONMENTAL IMPACT REPORTS.**

10 (a) A final EIR shall be prepared by, or at the direction of, the Environmental Review
11 Officer, based upon the draft EIR, the consultations and comments received during the review
12 process, and additional information that may become available. No less than fourteen (14) days
13 prior to the Planning Commission hearing to consider certification of the final EIR, the final EIR shall
14 be made available to the public and to any board(s), commission(s) or department(s) that will carry out
15 or approve the project.

16 (b) The final EIR shall include a list of agencies and persons consulted, the
17 comments received, either verbatim or in summary, and a response to any comments that
18 raise significant points concerning effects on the environment. The response to comments
19 may take the form of revisions within the draft EIR, or by adding a separate section in the final
20 EIR, or by providing an explanation in response to the comment.

21 (c) ~~A public~~ An administrative record shall be kept of each case in which an EIR is
22 prepared, including all comments received in writing in addition to a record of the public
23 hearing or hearings. The final EIR shall indicate the location of such record. ~~Any~~
24 ~~transcription of a hearing record shall be at the expense of the~~

1 ~~person requesting such transcription.~~ The Environmental Review Officer shall cause
2 the hearing record to be transcribed and retained as part of the administrative record.

3 (d) When the final EIR has been prepared and in the judgment of the Planning
4 Commission it is adequate, accurate and objective, reflecting the independent judgment and
5 analysis of the Planning Commission, the Planning Commission shall certify its completion in
6 compliance with CEQA. The certification of completion shall contain a finding as to whether
7 the project as proposed will, or will not, have a significant effect on the environment.

8 (e) In the event any City decision-making body to act on approval of the project determines
9 that the EIR does not provide adequate, accurate and objective information for the project to be
10 approved or that its conclusions or findings are incorrect, the decision-making body shall make
11 findings regarding such deficiencies and shall delay consideration of approval of the project pending
12 receipt of additional environmental information, or may disapprove the project. All decision-making
13 bodies shall review and consider the EIR and make findings as required by CEQA prior to approving
14 the project.

15 (f) Following the City's decision to carry out or approve the project subject to a final EIR,
16 the Environmental Review Officer may file a notice of determination with the county clerk in the county
17 or counties in which the project is to be located; provided that it shall not be filed until after the final
18 appeal period for the EIR has expired and any appeals have been finally resolved and the certification
19 of the EIR becomes final. If required by CEQA, the notice of determination shall also be filed with the
20 California Office of Planning and Research. In the event the Environmental Review Officer files a
21 notice of determination with the county clerk and/or the California Office of Planning and Research, a
22 copy of such notice shall also be posted in the offices of the Planning Department and on the Planning
23 Department website, and shall be mailed to any individuals or organizations who have previously
24 requested such notice in writing.

1 Section 12. The San Francisco Administrative Code is hereby amended by deleting
2 Section 31.16 in its entirety and adding new Section 31.16, to read as follows:

3 **SEC. 31.16. APPEAL OF CEQA DETERMINATIONS.**

4 (a) Decisions Subject to Appeal. CEQA determinations made by any City commission,
5 department, agency, or official may be appealed to the Board, including but not limited to the
6 following: (1) Certification of a Final EIR by the Planning Commission; (2) Adoption of a negative
7 declaration; (3) Determination that a project is excluded or exempt from CEQA; (4) Determination by
8 the Environmental Review Officer that no additional environmental review is required for a
9 modification to a project that was the subject of a prior EIR, negative declaration or exemption
10 determination.

11 (b) Appeal Procedures. In addition to any applicable requirements of Section 31.16 (c)
12 pertaining to EIRs, 31.16 (d) pertaining to negative declarations, 31.16 (e) pertaining to exemption
13 determinations or 31.16 (f) pertaining to determinations on modified projects, the following
14 requirements shall apply to an appeal of any of the determinations listed in Section 31.16(a) of this
15 Chapter 31:

16 (1) A letter of appeal shall be submitted to the Clerk of the Board within the time frames set
17 forth in Subsections 31.16(c), (d) or (e), as applicable. To be accepted by the Clerk the letter must state
18 the specific grounds for appeal and must be accompanied by a fee, as set forth in Administrative Code
19 Section 31.22, payable to the San Francisco Planning Department. Appellant must sign the letter of
20 appeal or may have an agent or attorney file and sign the letter on its behalf. Appellant must also
21 submit with the appeal a copy of the CEQA determination or CEQA decision being appealed, if
22 available, and otherwise shall submit it when available. Appellant shall concurrently submit a copy of
23 the letter of appeal to the Environmental Review Officer at the time the appellant submits a letter of
24 appeal to the Clerk of the Board. The submission to the Environmental Review Officer may be made by
25 electronic means.

1 (2) After receipt of a copy of the letter of appeal, the Environmental Review Officer shall
2 transmit copies of the environmental review documents to the Clerk of the Board not less than 11 days
3 prior to the appeal hearing and make shall the administrative record available to the Board.

4 (3) While the appeal is pending, all project approvals shall be suspended and the City shall
5 not carry out or consider the approval of the project that is the subject of the appeal, except that
6 project-related activities may be undertaken if and only to the extent they are essential to abate hazards
7 to the public health and safety, including abatement of hazards on a structure or site as determined by
8 a qualified City official, including but not limited to the Director of Building Inspection, the Director of
9 Public Works, the Director of Public Health, the Fire Marshal or the Port Chief Engineer, to be an
10 emergency presenting an imminent hazard to the public requiring immediate corrective action. If the
11 Historic Preservation Commission is in the process of considering a nomination of the project site, or
12 an area that includes the project, as a landmark or historic district, the designation may proceed
13 during the pendency of the appeal to the Board.

14 (4) The Clerk of the Board shall schedule a hearing on the appeal before the full Board,
15 without regard to any rule or policy of the Board, no less than 30 and no more than 45 days following
16 the date upon which the Clerk determines that the appeal is valid. No less than 20 days prior to the
17 scheduled hearing date, the Planning Department shall provide to the Clerk of the Board a list of all
18 individuals and organizations that have previously requested such notice in writing or have commented
19 on the decision or determination on appeal. No less than 14 days prior to the scheduled hearing date,
20 the Clerk of the Board shall provide notice of the appeal by mail to the appellant or appellants and to
21 all organizations and individuals on the list provided by the Planning Department.

22 (5) If more than one person submits a letter of appeal on the same decision or
23 determination, the Board President may consolidate such appeals so that they are heard
24 simultaneously, and up to 3 individual appellants shall have his or her own time for testimony as if such
25 appeals were not being heard simultaneously. Where the appeals are consolidated, the Board shall

1 provide appellants the same total time for testimony at the public hearing as provided in total to the
2 City and the project applicant or project sponsor. The Board may coordinate its hearing on the CEQA
3 appeal with other hearings on the project, provided that the CEQA appeal shall be heard prior to and
4 separate from any other hearings or decisions on the project.

5 (6) The Planning Department shall submit a written response to the Board no later than
6 noon, 15 days prior to the scheduled hearing. Appellants shall submit written materials pertaining to
7 the appeal to the Board and the Environmental Review Officer no later than noon, 10 days prior to the
8 scheduled hearing. Additional written materials submitted no later than noon 7 days prior to the
9 scheduled hearing by appellants, members of the public, real parties in interest or City agencies
10 sponsoring the proposed project will be distributed to the Board prior to the hearing as a part of their
11 hearing materials. Any written documents submitted after these deadlines and up to the close of the
12 hearing will be part of the record but will not be distributed to the Supervisors prior to the hearing
13 through the Board's normal distribution procedures.

14 (7) The Board shall conduct its own independent review of the CEQA document including
15 the correctness of the findings contained in the determination. The Board shall consider anew all facts,
16 evidence and/or issues related to the adequacy, accuracy and objectiveness of the environmental
17 review and the CEQA determination and decision regarding such environmental review, including but
18 not limited to the sufficiency of the CEQA determination as an informational document and the
19 correctness of its conclusions. The Board shall consider the record before the Planning Commission,
20 the Environmental Review Officer or other City department, and shall also consider any new facts,
21 evidence and/or issues presented to it prior to the close of the appeal hearing.

22 (8) The Board shall act on an appeal within 30 days of the date set for the hearing, provided
23 that if the full membership of the Board is not present on the last day on which said appeal is set or
24 continued for hearing within such 30 days, the Board may postpone the hearing and decision until the
25 full membership of the Board is present. If the Board does not conduct at least three regular Board

1 meetings during such 30 day period, the Board shall decide such appeal within 40 days of the time set
2 for the hearing; and provided that the latest date to which the hearing and decision may be so
3 postponed is not more than 90 days from the date of filing the appeal.

4 (9) The Board may affirm or reverse any CEQA decision or determination by a vote of a
5 majority of all members of the Board. A tie vote shall be deemed to be disapproval of the CEQA
6 decision or determination. The Board shall act by motion. The Board shall adopt findings in support
7 of its decision to affirm or reverse the CEQA decision or determination based on the record.

8 (10) If the Board grants the appeal and reverses the CEQA decision or determination, the
9 Board shall remand the matter to the Planning Commission or Planning Department with directions to
10 take appropriate action consistent with the Board's findings.

11 (11) If the Board affirms the CEQA decision or determination, the date of the final EIR, the
12 final negative declaration, or exemption determination shall be the date upon which the environmental
13 document was originally approved or the exemption determination was issued and any decisions made
14 prior to the date the appeal was filed shall be deemed valid.

15 (12) If the Board reverses the CEQA decision or determination, the prior CEQA decision or
16 determination, and any actions approving the project in reliance on the reversed CEQA decision or
17 determination, shall be deemed void.

18 (13) The date the project shall be considered finally approved shall occur no earlier than
19 either the expiration date of the appeal period, if no appeal is filed, or the date the Board affirms the
20 CEQA determination, if the CEQA determination is appealed.

21 (c) **Appeal of Final Environmental Impact Reports.** In addition to those requirements set
22 forth in Section 31.16(b) above, the following requirements shall apply only to appeals of EIRs.

23 (1) Appeal of a final EIR shall be by submission of a letter of appeal to the Clerk of the
24 Board within 30 days after the Planning Commission's certification of the EIR.

1 (2) The grounds for appeal of an EIR shall be limited to issues related to whether the final
2 EIR complies with the requirements of CEQA, including but not limited to the adequacy, accuracy and
3 objectiveness of the final EIR, the sufficiency of the final EIR as an informational document and the
4 correctness of its conclusions, and the correctness of the findings contained in the Planning
5 Commission's certification of the EIR.

6 (3) The Board shall affirm the Planning Commission's certification of the final EIR only if
7 the Board finds that the final EIR complies with the requirements of CEQA, is adequate, accurate and
8 objective, that its conclusions are correct, and that the findings contained in the Planning
9 Commission's certification motion are correct. If not, the Board shall reverse the Planning
10 Commission's certification of the EIR. If the Board reverses the Planning Commission's certification of
11 the final EIR, it shall make specific finding as to the reasons for its action and remand the final EIR to
12 the Planning Commission for further action consistent with the Board's findings.

13 (d) Appeal of Negative Declarations. In addition to those requirements set forth in Section
14 31.16(b) above, the following requirements shall apply only to appeals of negative declarations.

15 (1) Appeal of a negative declaration shall be by submission of a letter of appeal to the Clerk
16 of the Board within 30 days after the adoption of the final negative declaration or 30 days after the
17 Planning Commission has affirmed the negative declaration on appeal, if it was appealed to the
18 Commission.

19 (2) The grounds for appeal of a negative declaration shall be limited to raising issues
20 related to whether the negative declaration conforms to the requirements of CEQA, including but not
21 limited to issues relating to the adequacy and completeness of the Initial Study, the environmental
22 analysis, the correctness of the finding that the project could not have a significant effect on the
23 environment, and the adequacy and feasibility of any proposed mitigation measures.

1 (3) The Board shall affirm the approval of a negative declaration if it finds that it conforms
2 to the requirements of CEQA and that the record does not include substantial evidence supporting a
3 fair argument that the project may have a significant effect on the environment.

4 (4) The Board shall reverse the approval of the negative declaration if it finds that the
5 record includes substantial evidence to support a fair argument that the project may have a significant
6 effect on the environment, or that the negative declaration does not otherwise comply with the
7 requirements of CEQA. If the Board reverses the negative declaration, the Board shall make specific
8 findings to overturn the approval of the negative declaration and remand it to the Planning Department
9 for further action consistent with the Board's findings.

10 (5) If the Board requires the Planning Department to prepare an EIR, it shall be prepared
11 in accordance with the procedures and requirements set forth in this Chapter 31. If the Board requires
12 the negative declaration to be revised to include mitigation measures in the project to avoid potentially
13 significant effects, the Environmental Review Officer shall finalize the revised negative declaration
14 consistent with the Board's direction and send notice to the public, as set forth in Section 31.11 of this
15 Chapter 31, of the availability of the revised negative declaration. In the event any organization or
16 individual wishes to appeal the revised negative declaration, such appeal shall be made directly to the
17 Board of Supervisors within 30 days of publication of the revised negative declaration in accordance
18 with the procedures and requirements set forth in this Section 31.16.

19 (e) **Appeal of Exemption Determinations.** In addition to those requirements set forth in
20 Section 31.16(b) above, the following requirements shall apply to appeals of exemption determinations
21 to the Board of Supervisors.

22 (1) Any person or entity may appeal a project's exemption determination within the
23 following time periods:

24 (i) As to any exemption determination for a project-related approval action for which the
25 Environmental Review Officer has issued a Certificate of Determination of Exemption pursuant to

1 Section 31.08(f) and/or has provided public notice pursuant to Section 31.08(g), an appeal may be filed
2 at any time following such Certificate of Determination of Exemption or public notice, provided that
3 such appeal shall be filed no later than 30 days after issuance of each discretionary permit or other
4 project-related approval action even if the conclusion of any appeal period for the permit or project
5 approval is less than 30 days.

6 (ii) As to any exemption determination for a project-related approval action for which no
7 Certificate of Determination of Exemption was issued or public notice given by the Environmental
8 Review Officer pursuant to Section 31.08(f) and/or Section 31.08(g), an appeal may be filed at any time
9 following the appellant's discovery of the exemption determination, provided that such appeal shall be
10 filed no later than 60 days after the issuance of each discretionary permit or other project-related
11 approval action even if the conclusion of any appeal period for the permit or project approval is less
12 than 60 days.

13 (iii) The Board shall have discretion to make an equitable determination to allow any
14 exemption appeal filed after the time limits provided above.

15 (2) The grounds for appeal of an exemption determination shall be limited to whether the
16 project conforms to the requirements of CEQA for an exemption, including, but not limited to whether
17 there are extra ordinary circumstances or whether there is a "fair argument" that the project may have
18 a significant effect on the environment.

19 (3) The Board may refer the exemption determination to the Environmental Review Officer
20 for revisions or reconsideration, or may overrule the determination and require preparation of an
21 appropriate environmental document. If the Board decides to set aside the claimed exemption, the
22 Board shall make specific findings as to the reasons environmental review is required and shall remand
23 the matter to the Planning Department for the preparation of a negative declaration or an EIR, as
24 appropriate.

1 (4) In the event the Board reverses the exemption determination of any City department,
2 agency or official other than the Planning Department, the matter shall be remanded to the Planning
3 Department, and not the City department, agency or official that made the original exemption
4 determination, for environmental review in accordance with the Board's directions.

5 (5) In the event a project that is the subject of an exemption determination involves multiple
6 discretionary approvals, each new project-related discretionary decision or approval shall be subject
7 to appeal to the Board.

8 (f) **Appeal of Determinations on Modified Projects.** In addition to those requirements set
9 forth in Section 31.16(b) of this Chapter, the following requirements shall apply to appeals of
10 determinations that no additional environmental review is required for a modification to a project that
11 was the subject of a prior EIR, negative declaration or exemption determination.

12 (1) Any person or entity may appeal the Environmental Review Officer's determinations set
13 forth in Section 31.19(b)(1) or Section 31.19(c)(1) of this Chapter 31 within the following time frames.

14 (i) As to a determination that no additional environmental review is necessary for
15 modifications to a project that was the subject of a prior EIR or negative declaration, an appeal may be
16 filed following the written notice given by the Environmental Review Officer pursuant to Section
17 31.19(c)(1) of this Chapter and for up to 30 days following the notice.

18 (ii) As to a determination that a modification to a project that was the subject of a prior
19 exemption determination, is again exempt, an appeal may be filed following the written notice given by
20 the Environmental Review Officer pursuant to Section 31.08(j) of this Chapter and for up to 30 days
21 following the notice.

22 (iii) If no notice was given by the Environmental Review Officer of a determination that no
23 additional environmental review is required for a modification to a project that was the subject of a
24 prior EIR, negative declaration or exemption determination, an appeal may be filed within 30 days of
25 the appellant's discovery of the Environmental Review Officer's determination decision

1 (2) The grounds for appeal under this Section 31.16(f) shall be limited to whether the
2 project modification requires additional environmental review.

3 Section 13. The San Francisco Administrative Code is hereby amended by adding
4 new Section 31.21, to read as follows:

5 **SEC. 31.21. ELECTRONIC NOTIFICATIONS.**

6 (a) The Environmental Review Officer shall implement an electronic notification system for
7 all notification requirements in this Chapter 31. The electronic notification system shall include:

8 (1) **Electronic Mail.** The Environmental Review Officer shall offer interested persons and
9 organizations the opportunity to subscribe to an automated electronic mail notification system. The
10 system shall distribute all notifications required by this Chapter to subscribers. Subscribers shall have
11 the option to receive electronic mail regarding (a) all CEQA notifications; (b) all CEQA notifications
12 for specific projects; (c) all CEQA notifications for particular parks, historic districts or properties,
13 neighborhoods, and/or geographic areas; (d) CEQA notifications for projects that may cause a
14 particular kind of environmental impact listed on any applicable environmental review checklist
15 implemented by the Environmental Review Officer; (e) CEQA notifications for all exemption
16 determinations; (f) CEQA notifications for all negative declarations; (g) and/or CEQA notifications for
17 all EIRs.

18 (2) **Social Media.** The Environmental Review Officer shall develop a pilot project to
19 distribute all CEQA notifications through social media platforms such as Facebook and Twitter.

20 (b) The electronic notification system shall allow subscribers to opt-out of physical mailings
21 of notifications. However, the electronic notification system shall not be used in lieu of physical
22 mailings required by the Chapter 31 unless (1) a subscriber affirmatively opts-out of the physical
23 mailing; and (2) no other provision of law requires a physical mailing for that notification.

24 Section 14. Effective Date. This ordinance shall become effective 30 days from the
25 date of passage.

1 Section 15. This section is uncodified. In enacting this Ordinance, the Board intends to
2 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
3 punctuation, charts, diagrams, or any other constituent part of the San Francisco
4 Administrative Code that are explicitly shown in this legislation as additions, deletions, Board
5 amendment additions, and Board amendment deletions in accordance with the "Note" that
6 appears under the official title of the legislation.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

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10 By: _____

11 Deputy City Attorney

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