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

NOTE:
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in strikethrough italics Times New Roman font.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in strikethrough Arial font.

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

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130464 and is incorporated herein by reference.

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

SEC. 31.08. CATEGORICAL EXEMPTIONS.

* * * *

(j) Appeal of a Determination That Change in Exempt Project is Not A Substantial Modification.

(1) Within 10 days of the posting of the notice of a determination that a change in an exempt project is not a substantial modification as defined in 31.08(i), an appeal may be filed with the Environmental Review Officer requesting that the Environmental Review Officer reverse the
determination and render a new CEQA decision for the project. Such an appeal is not an appeal of a
CEQA decision under the California Environmental Quality Act.

(2) If such an appeal is filed when a regularly scheduled meeting of the Planning
Commission will be held within 20 days of the filing of the appeal, the Environmental Review Officer
shall hold a noticed public hearing on the day of a Planning Commission meeting held within such 20
day period. If no Planning Commission meeting is held within the 20 day period, the hearing shall take
place on the day of one of the next two regularly scheduled Planning Commission meetings after such
20-day period.

(3) At the public hearing, the Environmental Review Officer shall reconsider the
prior determination in light of all information provided by all parties present, including any project
sponsor, as well as written information submitted at or before the public hearing.

(4) If after such reconsideration, the Environmental Review Officer determines that
the original determination was in error, the Environmental Review Officer shall render a new CEQA
decision for the project in accordance with the requirements of CEQA and this Chapter 31.

(5) If after such reconsideration, the Environmental Review Officer determines that
the original decision was not in error, the original determination of the Environmental Review Officer
shall be final.

(6) The Environmental Review Officer shall issue a written decision on the appeal
within 14 days of the public hearing, and an oral report of the decision shall be provided to the
Planning Commission at the next possible meeting after such decision.

(7) To the extent feasible, and subject to the budgetary and fiscal provisions of the
Charter, such hearing shall be video-recorded and broadcast by the official television channel of the
City and County of San Francisco. At a minimum, such hearing shall be video-recorded and made
available on the website of the City and County of San Francisco.
(8) The Planning Department may adopt additional procedures for such appeals.

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

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

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

By:
ELAINE WARREN
Deputy City Attorney

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