

File No. 130464

Committee Item No. 10

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date July 22, 2013

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
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- Ordinance
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- Budget and Legislative Analyst Report
- Youth Commission Report
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- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Categorical Exemption Stamp, dtd 5/24/13
- _____
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Completed by: Alisa Miller Date July 19, 2013

Completed by: _____ Date _____

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

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

7
8 NOTE: Additions to Codes are in *single-underline italics Times New Roman font*.
9 Deletions to Codes are in *strikethrough italics Times New Roman font*.
10 Board amendment additions are in double-underlined Arial font.
11 Board amendment deletions are in ~~strikethrough Arial font~~.

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. 130464 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 **(j) Appeal of a Determination That Change in Exempt Project is Not A Substantial**
22 **Modification.**

23 (1) Within 10 days of the posting of the notice of a determination that a change in an
24 exempt project is not a substantial modification as defined in 31.08(i), an appeal may be filed with the
25 Environmental Review Officer requesting that the Environmental Review Officer reverse the

1 determination and render a new CEQA decision for the project. Such an appeal is not an appeal of a
2 CEQA decision under the California Environmental Quality Act.

3 (2) If such an appeal is filed when a regularly scheduled meeting of the Planning
4 Commission will be held within 20 days of the filing of the appeal, the Environmental Review Officer
5 shall hold a noticed public hearing on the day of a Planning Commission meeting held within such 20
6 day period. If no Planning Commission meeting is held within the 20 day period, the hearing shall take
7 place on the day of one of the next two regularly scheduled Planning Commission meetings after such
8 20-day period.

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

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

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

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

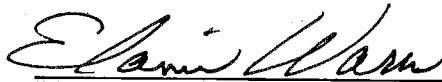
21 (7) To the extent feasible, and subject to the budgetary and fiscal provisions of the
22 Charter, such hearing shall be video-recorded and broadcast by the official television channel of the
23 City and County of San Francisco. At a minimum, such hearing shall be video-recorded and made
24 available on the website of the City and County of San Francisco.

1 (8) The Planning Department may adopt additional procedures for such appeals.

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

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

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: 
14 ELAINE WARREN
15 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(7/16/2013, Substituted)

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

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.

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 Chapter 31. The amendment provides for a process to appeal a determination by the Environmental Review Officer that a change to a project exempt from CEQA is not a substantial modification to the project that requires a new CEQA decision. The appeal process provides for a hearing before the Environmental Review Officer. The Environmental Review Officer would be required to reconsider his or her prior decision in light of any new information submitted before or at the hearing. The appeal must be filed within 10 days of the original decision and the hearing held within 20 days of the appeal, on the same day as a Planning Commission regularly-scheduled meeting. If no Planning Commission meeting is scheduled within the 20-day period, the hearing must be held on the day of the one of the next two Planning Commission hearings. The hearing must be video-recorded, with the recording posted on the City's website, and, if feasible, broadcast on the City's official television channel. The Environmental Review Officer must render a decision within 14 days of the hearing.

Background Information

The ordinance is substitute legislation proposed to revise one aspect of the City's existing CEQA implementation procedures. The ordinance amends legislation originally introduced by Supervisor Kim on May 14, 2013. Under the original proposal, one has 30 days to file an appeal to the Planning Commission of a determination by the Environmental Review Officer that a change to a project exempt from CEQA is not a substantial modification to the project that requires a new CEQA decision. The Planning Commission has 60 days to take action on the appeal. The City can not take action to approve the project during the pendency of the appeal.

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



SIERRA CLUB

FOUNDED 1892

San Francisco Group
June 20, 2013

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

Dear Supervisor Chiu:

Thank you for your hard work with us in the past few months to improve local implementation of the California Environmental Quality Act (CEQA). The Sierra Club is pleased that the proposed legislation makes public notification more robust and that the full Board of Supervisors retains its role in hearing CEQA appeals of projects, among other aspects of the legislation that the full Board will consider on June 25, 2013.

The Sierra Club endorses the CEQA legislation as currently proposed contingent upon the introduction of trailing legislation regarding project modifications. That legislation will implement a process for the televised appeal of Environmental Review Officer decisions on modifications of categorically exempt projects after the appeal period for first approvals has passed.

We respectfully request that the trailing legislation, matching the intent expressed by you at the last Land Use and Economic Development Committee meeting, be introduced at the full Board on June 25, 2013 (or as soon thereafter as possible) and heard at the Planning Commission and the Historical Preservation Commission in time for the legislation to be considered by the full Board of Supervisors on July 9, where it could be amended into the CEQA implementation legislation – presuming this legislation passes – at its second hearing at the Board.

Sincerely,
Susan Vaughan
Secretary
Executive Committee
San Francisco Group
SF Bay Chapter of the Sierra Club

CC:
Mayor Ed Lee
Clerk of the Board Angela Calvillo
District Three Legislative Aide Judson True Judson
District Three Legislative Aide Catherine Rauschuber
Supervisor Eric Mar

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
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BY dl

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

June 17, 2013

Board of Supervisors – Land Use and Economic Development Committee
City Hall
1 Dr. Carlton B. Goodlett Place, Room 263
San Francisco, CA 94102-4689

*File No. 130464
4/17/13 · Received
in Committee*

Subject: BOS File Nos. 121019, 130248, 130464 – CEQA Procedures Legislation

Supervisors Scott Wiener, Jane Kim and David Chiu of the Land Use and Economic Development Committee:

I appreciate your work on incorporating the requests of the larger community of stakeholders in the crafting of this very important piece of legislation on amending Chapter 31 of the Administrative Code on California Environmental Quality Act (CEQA) procedures.

Many projects are “Cat Ex’d” (categorically exempt) from CEQA after an initial environmental review. In the legislation being massaged over these many months, people have said that projects can morph and both sides have agreed that after a permit approval, this occurs on many occasions. The legislation still needs to allow the citizens the right to appeal projects after changes even if such changes are within the original project description on the permit application or within the scope of the project due to the fact that there could be non-findings at the time of the initial project review but evidence of environmental impact subsequently with the modifications.

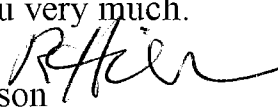
Realistically, people will not appeal windows that move 6 inches to the left or right of a wall anyway or appeal a change of a staircase banister as were a couple of examples given for not allowing appeal of modifications. The request for this additional language is for the greater purpose for the entire city of San Francisco’s future.

It is to protect the right of the public to appeal these modifications that could impact the environment and to afford the elected and appointed government officials to make responsible decisions to protect the environment as the public has entrusted them to do so. This committee is about land use and not just economic development.

Land use affects the environment. Economic development may not necessarily care.

So to ensure that the strongest environmental protections are in place for the future of our city as the greenest model of a city, and to ensure that people are allowed the right to appeal projects that after modifications can damage our environment, I ask that this be included in the main body of the legislation rather than as a supplemental piece of legislation as needed for clear and open government process.

Thank you very much.


Rose Hillson
115 Parker Avenue
San Francisco, CA 94118

Miller, Alisa

From: NINERSAM@aol.com
Sent: Tuesday, June 11, 2013 3:08 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; Jane.Kim@sfgov.org; Veneracion@sfgov.org; Yee, Norman (BOS); Mormino, Matthias; Wiener, Scott; Power, Andres; Campos, David; Ronen, Hillary; Cohen, Malia; Bruss, Andrea; Avalos, John; Redondiez, Raquel
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

June 11, 2013

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 needs to be language that modifications of projects after the first approval should trigger new determinations and that those new determinations should be subject to 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

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: 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 Ash.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
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 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

SUMMARY OF POSSIBLE CEQA AMENDMENTS
SUPERVISOR DAVID CHIU
June 17, 2013

File Nos. 121019, 130248
and 130464
6/17/13. Distributed in
Committee

Appeal Trigger for Negative Declarations and EIRs

- Maintain current practice - Approval for Neg Decs, Certification for EIRs

DISCUSSION ONLY
Amendments to be
made in Board

Review of Whether Project Changes Constitute a Modification

- Specify language around modifications as agreed to by the Planning Department and stipulate that modifications trigger new environmental review (and hence possibility of new appeal).
- Allow for public hearing with Environmental Review Officer on day of a regularly scheduled Planning Commission meeting to object to decision that a project change is not a modification; short time frame for this process, possibly modeled on Discretionary Review timelines.

Electronic Posting and Notification System

- Continue to tie operative date of legislation to searchable, geocoded posting of CEQA determinations.
- Require creation of subscription-based email system within 3 months of operative date, with categories matching geocoded information in Planning's existing database.

Clarify Required Content of Exemption Determinations

- Include project description, approval action.
- No "written determination" separate from exemption determination.

Affordable Housing and Bicycle/Pedestrian Safety

- Prioritize these projects in a way workable for the Planning Department and advocates

Document Submittals

- Maintain deadline for appellant documents as 11 days before hearing, and 8 days for response from Planning.
- Add in allowance for re-rebuttal only on new issues by appellants up to 3 days in advance of hearing.

Timeline for Scheduling Appeals at the Board of Supervisors

- Stipulate that hearings before the Board of Supervisors will be held a minimum of 21 days subsequent to the appeal.

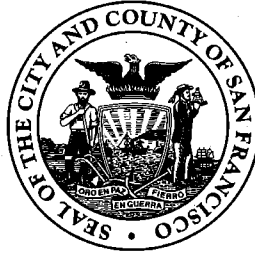
"Fair Argument" Language

- Identify additional locations to add in "fair argument" language where legally appropriate.

HPC and Planning Timelines on Draft EIR Hearings

- Require 7 days between hearings at HPC and the Planning Commission on Draft EIRs, except where this requirement would lengthen the DEIR comment period.

BOARD of SUPERVISORS



City Hall
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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 19, 2013

File No. 130464-2

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

Dear Ms. Jones:

On July 16, 2013, Supervisor Kim introduced the following **substitute** legislation:

File No. 130464-2

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.

A categorical exemption stamp was submitted for the previous version of this legislation on May 24, 2013. If you wish to submit additional documentation, please forward it to me.

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



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July 19, 2013

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

Dear Commissioners:

On July 16, 2013, Supervisor Kim introduced the following **substitute** legislation:

File No. 130464-2

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.

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
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San Francisco 94102-4689
Tel. No. 554-5184
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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: July 19, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following **substitute** legislation, introduced by Supervisor Kim on July 16, 2013:

File No. 130464-2

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.

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

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. 554-5184
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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.

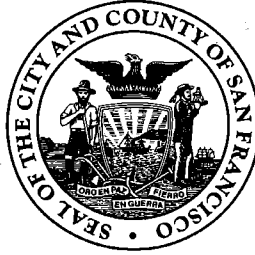
Angela Calvillo, Clerk of the Board

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



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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
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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
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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

Print Form

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. ~~1300351~~ 130464
- 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): Chw

Supervisor Kim, Campos, Avalos, Mar, Yee

Subject:

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

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

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.
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- 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, Par

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:

130404