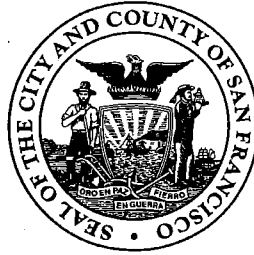


BOARD of SUPERVISORS



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

## MEMORANDUM

### LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Scott Wiener, Chair  
Land Use and Economic Development Committee

FROM: Alisa Miller, Committee Clerk

DATE: July 23, 2013

SUBJECT: **COMMITTEE REPORTS, BOARD MEETING**  
Tuesday, July 23, 2013

The following files should be presented as **COMMITTEE REPORTS** at the Board meeting, Tuesday, July 23, 2013. These items were acted upon at the Committee Meeting on July 22, 2013, at 1:30 p.m., by the votes indicated.

**Item No. 63            File No. 130186**

Ordinance amending the Environment Code by repealing Yellow Pages Distribution Pilot Program.

**RECOMMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor David Chiu - Aye

**Item No. 64            File No. 130459**

Ordinance amending the Planning Code, Mission Alcoholic Beverage Special Use District controls, to allow the transfer of liquor licenses and relocation of uses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt from the controls grocery stores and certain institutional, arts, and other uses; establishing operating conditions for certain establishments with a liquor license; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor David Chiu - Aye

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor David Chiu - Aye

**Item No. 65            File No. 130464**

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.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor David Chiu - Aye

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor David Chiu - Aye

**Item No. 66            File No. 130570**

Ordinance amending the Planning Code and Zoning Map, by adding Section 249.71, to create the Yerba Buena Center Mixed-Use Special Use District (SUD) located at 706 Mission Street, Assessor's Block No. 3706, Lot No. 093 and portions of Lot No. 277, to facilitate the development of the 706 Mission Street, The Mexican Museum and Residential Tower Project, by modifying specific Planning Code regulations related to permitted uses, the provision of a cultural/museum use within the SUD, floor area ratio limitations, dwelling unit exposure, height of rooftop equipment, bulk limitations, and curb cut locations; amending the Zoning Map to add the SUD and increase the height of property in the SUD from 400 feet to 480 feet; and making environmental findings and findings of consistency with the General Plan.

REFERRED WITHOUT RECOMMENDATION AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor David Chiu - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Deputy Legislative Clerk  
Jon Givner, Deputy City Attorney

File No. 130464

Committee Item No. 10

Board Item No. 45

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

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

Board of Supervisors Meeting Date July 23, 2013

### Cmte Board

- |                                     |                                     |  |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
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### OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Categorical Exemption Stamp, dtd 5/24/13</u>            |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>Historic Preservation Commission Resolution No. 700</u> |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 10924</u>            |
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Completed by: Alisa Miller Date July 19, 2013

Completed by: Alisa Miller Date July 23, 2013

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 ~~*italics Times New Roman font*~~.  
10 Board amendment additions are in **Arial font**.  
11 Board amendment deletions are in ~~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, who is provided for in Section 31.05, including subsection (k).

1 requesting that the Environmental Review Officer reverse the determination and render a new CEQA  
2 decision for the project. Such an appeal is not an appeal of a CEQA decision under the California  
3 Environmental Quality Act and shall not delay or suspend any permit approval or other  
4 discretionary approval authorizing the change in the project, or suspend any construction  
5 activity.

6 (2) If such an appeal is filed when a regularly scheduled meeting of the Planning  
7 Commission will be held within 20 days of the filing of the appeal, the Environmental Review Officer  
8 shall hold a noticed public hearing on the day of a Planning Commission meeting held within such 20  
9 day period, unless the period between the filing of the appeal and the Planning Commission  
10 meeting is insufficient to notice the public hearing. If no Planning Commission meeting is held  
11 within the 20 day period, or the period between the filing of appeal and the Planning  
12 Commission meeting within 20 days of the appeal is insufficient to notice the public hearing,  
13 the hearing shall take place on the day of one of the next two regularly scheduled Planning  
14 Commission meetings after such 20-day period.

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

18 (4) If after such reconsideration, the Environmental Review Officer determines that  
19 the original determination was in error, the Environmental Review Officer shall render a new CEQA  
20 decision for the project in accordance with the requirements of CEQA and this Chapter 31. Any prior  
21 permit approval or other discretionary approval authorizing the change in the project shall be  
22 suspended by the decision-maker who approved the project until the Environmental Review  
23 Officer issues a new CEQA decision. If the Environmental Review Officer determines that the  
24 project as modified is exempt from CEQA and makes a new exemption determination in  
25 accordance with this Chapter 31, any suspended approval shall be reinstated and valid as of

1 the date of the original approval. However, if the Environmental Review Officer identifies a  
2 suspended approval as the Approval Action for the modified project, the date of the Approval  
3 Action for the modified project, for purposes of this Chapter 31 only, shall be the date the  
4 approval is reinstated. If the Environmental Review Officer determines that the modified  
5 project is not exempt, and an initial study is required, any prior approval for the modified  
6 project shall be void.

7 (5) If after such reconsideration, the Environmental Review Officer determines that  
8 the original decision was not in error, the original determination of the Environmental Review Officer  
9 shall be final and no further appeal to any body of the City and County of San Francisco of the  
10 determination that the change in the project is not a substantial modification shall be granted,  
11 including without limitation, the Board of Appeals.

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

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

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


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

22 Section 4. Operative Date. This ordinance shall become operative on the later date of  
23 September 1, 2013, or five business days after the Secretary of the Planning Commission  
24 provides a memorandum to the Clerk of the Board of Supervisors advising that the Planning  
25

1 Commission has held a public hearing at which the Planning Department has demonstrated to  
2 the Planning Commission that it has updated its website to provide up-to-date information to  
3 the public about each CEQA exemption determination in a format searchable by location,  
4 such as through the "Active Permits In My Neighborhood" tool now used by the Planning  
5 Department and the Building Department.

6 Section 45. This section is uncodified. In enacting this Ordinance, the Board intends  
7 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
8 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that  
9 are explicitly shown in this legislation as additions, deletions, Board amendment additions,  
10 and Board amendment deletions in accordance with the "Note" that appears under the official  
11 title of the legislation.

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

14 By:   
15 ELAINE WARREN  
16 Deputy City Attorney

17 n:\legana\as2013\1300351\00861091.doc

**REVISED LEGISLATIVE DIGEST**

(7/22/2013, Amended in Committee)

[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 legislation amends one section of Chapter 31 to provide for a process to appeal a determination by the Environmental Review Officer ("ERO") 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 ERO. Project approvals and construction related to the changes in the project may proceed during the appeal process. The ERO is 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, or if the period between the filing of the appeal and the Planning Commission meeting is insufficient to notice the public hearing, then the hearing must be held on the day of the one of the next two Planning Commission meetings. 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 ERO must render a decision within 14 days of the hearing.



If the ERO finds that the original determination that the change is the project is not a substantial modification was in error, the ERO must issue a new CEQA decision. Until a new CEQA decision is issued, project approvals authorizing the change in the project will be suspended. If the ERO issues a new exemption determination, the suspended approvals will be reinstated and valid as of the date of the original approval. But, if the ERO identifies a suspended approval as the Approval Action for the modified project, for purposes of Chapter 31 only, the date of the Approval Action will be the date the approval is reinstated. If the ERO determines that the modified project is not exempt from CEQA, any prior approval for the modified project is void.

If the ERO finds that the original determination was not in error, the original decision is final and not subject to any further administrative appeals.

The ordinance has an operative date that is the same as companion legislation in Board file 121019 that proposes other amendments to Chapter 31.

#### Background Information

The ordinance amends substitute legislation proposed to revise one aspect of the City's existing CEQA implementation procedures. Supervisor Kim introduced the original legislation on May 14, 2013, and the substitute legislation on July 16, 2013. Under the original proposal, one had 30 days to file an appeal to the Planning Commission of a determination by the ERO that a change to a project exempt from CEQA was not a substantial modification to the project that required a new CEQA decision. The Planning Commission had 60 days to take action on the appeal. The City could not take action to approve the project during the pendency of the appeal.

The substitute legislation provided instead for an appeal process before the ERO, with the deadlines as stated in this proposed amendment. The amendment clarifies that the City can approve the changes in the project during the appeal process. The amendments also clarify the effect on such approvals if the ERO determines as a result of the appeal that a new CEQA decision is required. The amendments also make some technical clarifications in the appeal process and add an operative date.

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, 4<sup>th</sup> 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  
15260(C)(2).

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

JOY NAVARRETE



# SAN FRANCISCO PLANNING DEPARTMENT

## Historic Preservation Commission Resolution No. 708 Administrative Code Text Change HISTORIC PRESERVATION COMMISSION HEARING DATE: JULY 17, 2013

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* California Environmental Quality Act Procedures, Appeal of Exempt Project Modification  
*Case Number:* 2013.0911U [Supervisor Kim Proposal Board File No. 13-0464] / [Supervisor Chiu Proposal Board File No. Pending]  
*Initiated by:* Supervisor Kim / Supervisor Chiu  
*Introduced:* May 14, 2013/pending  
*Staff Contact:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Reviewed by:* Sarah Jones, Acting Environmental Review Officer  
sarah.b.jones@sfgov.org, 415-575-9034  
*Recommendation:* Approval

RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE PROPOSED ORDINANCE THAT WOULD AMEND THE 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.

### PREAMBLE

Whereas, on May 14, 2013, Supervisor Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 130464 which would amend the 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; and

Whereas, on July 9, 2013, Supervisor Chiu sent a letter to the San Francisco Historic Preservation Commission and the San Francisco Planning Commission outlining his interest in legislation that would amend the Administrative Code, Chapter 31, to provide for appeal to the Environmental Review Officer of a Planning Department determination that an exempt project modification does not require a new decision under the California Environmental Quality Act; and

Whereas, on July 17, 2013 the San Francisco Historic Preservation Commission (hereinafter "HPC") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

**Resolution No. 708  
Appeal of Exempt Project Modification  
Historic Preservation Commission Hearing: July 17, 2013**

**CASE NO. 2013.0911U  
BF No. 130464 / BF Pending**

Whereas, on July 18, 2013, the San Francisco Planning Commission (hereinafter "PC") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, this proposed Administrative Code amendments has been determined to be categorically exempt from environmental review under the CEQA Section 15060(c)(2); and

Whereas on April 25, 2013, the PC conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on May 15, 2013, the HPC conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the HPC has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the legislative sponsor, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Therefore be it resolved that, the HPC has reviewed the proposed ordinance from Supervisor Kim, including the amendments she described at the hearing which incorporated the proposal as outlined in Supervisor Chiu's July 9, 2013 letter to revise the Administrative Code; and

Be it further **MOVED**, that this Commission recommends the proposal be approved.

**FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows: that the Commission supports the concept of public accountability, oversight, and transparency on all matters.

I hereby certify that the Historic Preservation Commission **ADOPTED** the foregoing Resolution on July 17, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Hasz, Hyland, Johnck, Johns, Matsuda, and Wolfram  
NAYS: Commissioner Pearlman  
ABSENT: None  
ADOPTED: July 17, 2013



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18924

**Administrative Code Text Change**  
PLANNING COMMISSION HEARING DATE: JULY 18, 2013

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* California Environmental Quality Act Procedures, Appeal of Exempt Project Modification  
*Case Number:* 2013.0911U [Supervisor Kim Proposal Board File No. 13-0464] / [Supervisor Chiu Proposal Board File No. Pending]  
*Initiated by:* Supervisor Kim / Supervisor Chiu  
*Introduced:* May 14, 2013/pending  
*Staff Contact:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Reviewed by:* Sarah Jones, Acting Environmental Review Officer  
sarah.b.jones@sfgov.org, 415-575-9034  
*Recommendation:* No Recommendation/Acknowledgement of Vote

ACKNOWLEDGING THAT THE PLANNING COMMISSION MOVED TO APPROVE SUPERVISOR KIM'S PROPOSED LEGISLATION BUT THAT THE MOTION FAILED (+3/-2) WITHOUT A MAJORITY OF COMMISSIONERS.

### PREAMBLE

Whereas, on May 14, 2013, Supervisor Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 130464 which would amend the 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; and

Whereas, on July 9, 2013, Supervisor Chiu sent a letter to the San Francisco Historic Preservation Commission and the San Francisco Planning Commission outlining his interest in legislation that would amend the Administrative Code, Chapter 31, to provide for appeal to the Environmental Review Officer of a Planning Department determination that an exempt project modification does not require a new decision under the California Environmental Quality Act; and

Whereas, on July 17, 2013 the San Francisco Historic Preservation Commission (hereinafter "HPC") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, on July 18, 2013, the San Francisco Planning Commission (hereinafter "PC") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, this proposed Administrative Code amendments has been determined to be categorically exempt from environmental review under the CEQA Section 15060(c)(2); and

Whereas on April 25, 2013, the PC conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on May 15, 2013, the HPC conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the PC has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the legislative sponsor, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Therefore be it resolved that, the PC has reviewed the proposed ordinance from Supervisor Kim, including the amendments she described at the hearing which incorporated the proposal as outlined in Supervisor Chiu's July 9, 2013 letter to revise the Administrative Code; and

**Be it further MOVED, that the Planning Commission acknowledges that the Commission moved to approve Supervisor Kim's proposed legislation but that that motion failed (+3/-2) without a majority of the Commissioners voting in support.**

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Commissioners Moore, Sugaya, and Wu voted to approve the proposed legislation.
2. Commissioners Antonini and Fong voted "no".
3. The Commission needs a majority of the full commission (four commissioners) to pass a resolution.
4. Without a majority to make a recommendation, the Commission wanted to convey the failed vote count to the Board.

**Resolution No. 18924  
Planning Commission Hearing: July 18, 2013  
Appeal of Exempt Project Modification**

**CASE NO. 2013.0911U  
BF No. 130464**

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on July 18, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Fong, Wu, Antonini, Moore, and Sugaya,  
NAYS:  
ABSENT: Borden, Hillis  
ADOPTED:

Miller, Alisa

---

**From:** Calvillo, Angela  
**Sent:** Monday, July 22, 2013 10:40 AM  
**To:** Miller, Alisa  
**Subject:** FW: Urging Amendments to Land Use and Economic Committee Agenda Item #10 Development Administrative Code - California Environmental Quality Act Procedures,

Alisa,  
Did not see you copied, so forwarding for the file.  
Thank you.  
AC

Angela Calvillo  
Clerk of the Board

---

**From:** Eileen Boken [mailto:aeboken@gmail.com]  
**Sent:** Monday, July 22, 2013 02:42  
**To:** Kim, Jane; Chiu, David; Wiener, Scott  
**Cc:** Hiro Fukuda; Judith Berkowitz; Avalos, John; Calvillo, Angela; Campos, David; Cohen, Malia; Mar, Eric (BOS); Farrell, Mark; Tang, Katy; Breed, London; Yee, Norman (BOS)  
**Subject:** Urging Amendments to Land Use and Economic Committee Agenda Item #10 Development Administrative Code - California Environmental Quality Act Procedures,

Dear Committee members,

Although a number of positive amendments have been made to this legislation, there remains one major amendment which still needs to be included.

It is my understanding that currently there is no trigger for notification when a project modification occurs.

A project can go through a number of modifications, so it is vital that a notification be triggered when each of these modifications occurs.

Eileen Boken  
District 4 resident





# 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  
2013 JUN 20 PM 12:25  
du

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*  
*6/17/13 · 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.

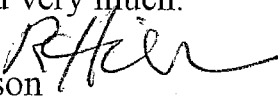
Realistically, people will not appeal windows that move 6 inches to the left or right of a wall anyway or appeal a change of a staircase banister as were a couple of examples given for not allowing appeal of modifications. The request for this additional language is for the greater purpose for the entire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

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**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](mailto:Alisa.Miller@sfgov.org)  
District Three Legislative Aide Judson True [Judson.True@sfgov.org](mailto:Judson.True@sfgov.org)  
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Legislative Aide Raquel Redondiez [Raquel.Redondiez@sfgov.org](mailto: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:  
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Supervisor Katy Tang <[Katy.Tang@sfgov.org](mailto:Katy.Tang@sfgov.org)>



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Legislative Aide Raquel Redondiez [Raquel.Redondiez@sfgov.org](mailto:Raquel.Redondiez@sfgov.org)



130464

June 5, 2013

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

Dear President Chiu:

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

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

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

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

Sincerely,

Kathryn Phillips  
Director

CC:

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

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

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

Dear President Chiu:

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

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

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

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

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

Sincerely,

Kevin Bayuk  
President

by Tes Welborn, Treasurer

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

Dear President Chiu:

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

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

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

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

Sincerely,  
Cathy Bellin

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

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

Dear President Chiu:

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

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

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

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

CC:  
Land Use and Economic Development Clerk Alisa Miller [Alisa.Miller@sfgov.org](mailto:Alisa.Miller@sfgov.org)  
District Three Legislative Aide Judson True [Judson.True@sfgov.org](mailto:Judson.True@sfgov.org)  
District Three Legislative Aide Catherine Rauschuber [Catherine.Rauschuber@sfgov.org](mailto:Catherine.Rauschuber@sfgov.org)  
Supervisor Eric Mar [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org)  
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Legislative Aide Catherine Stefani [Catherine.Stefani@sfgov.org](mailto:Catherine.Stefani@sfgov.org)  
Supervisor Katy Tang <[Katy.Tang@sfgov.org](mailto:Katy.Tang@sfgov.org)>  
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Legislative Aide Raquel Redondiez [Raquel.Redondiez@sfgov.org](mailto: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](mailto:Alisa.Miller@sfgov.org)  
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SUMMARY OF POSSIBLE CEQA AMENDMENTS  
SUPERVISOR DAVID CHIU  
June 17, 2013

File Nos. 121019, 130248  
and 130464  
4/17/13. 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  
Dr. Carlton B. Goodlett Place, Room 244  
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, 4<sup>th</sup> 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

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July 19, 2013

Planning Commission and  
Historic Preservation Commission  
Attn: Jonas Ionin  
1660 Mission Street, 5<sup>th</sup> 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

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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

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May 16, 2013

Planning Commission and  
Historic Preservation Commission  
Attn: Jonas Ionin  
1660 Mission Street, 5<sup>th</sup> 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

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May 16, 2013

**File No. 130464**

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> 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

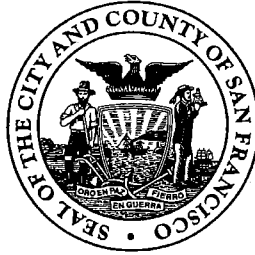
A handwritten signature in cursive script that reads "Alisa Miller".

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

Attachment

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

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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

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

**File No. 130464**

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

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

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

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. ~~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.
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- 10. Board to Sit as A Committee of the Whole.
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- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Supervisor Kim, Campos, Avalos, Mar

**Subject:**

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

**The text is listed below or attached:**

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

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

130464

