

1 [Affirming the Categorical Exemption Determination - 20 Nobles Alley]

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3 **Motion affirming the determination by the Planning Department that a proposed project**
4 **at 20 Nobles Alley is categorically exempt from further environmental review.**

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6 WHEREAS, On September 8, 2017, the Planning Department determined that the
7 proposed project located 20 Nobles Alley ("Project") is exempt from environmental review
8 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San
9 Francisco Administrative Code, Chapter 31; and

10 WHEREAS, The proposed Project involves the retention and legalization of one
11 unpermitted garage door and the removal of a second unpermitted garage door, associated
12 wall vents, and an entry hall window; the stucco wall finish and remaining rough openings on
13 the ground floor would be restored to a prior appearance, based on pictorial evidence of the
14 subject property; and

15 WHEREAS, On May 8, 2017, the Planning Department issued a Notice of Planning
16 Department Disapproval for building permit #201608094528 for the Project, proposing to
17 remove one of two existing garage doors on the building's visible front elevation; and

18 WHEREAS, On July 12, 2017, at the request of the project sponsor, the Board of
19 Appeals reviewed the Planning Department disapproval of building permit #201608094528,
20 continued the hearing to September 13, 2017, and requested that the project sponsor produce
21 a set of plans for delivery to the Board of Appeals and the Planning Department; and

22 WHEREAS, The Board of Appeals also requested that Planning Department staff
23 conduct CEQA review of the Project in advance of the September 13, 2017, hearing; and

24 WHEREAS, On September 7, 2017, Dudley and Eustace de Saint Phalle (project
25 sponsor), filed an environmental evaluation application for the proposed Project; and

1 WHEREAS, On September 8, 2017, the Planning Department determined that the
2 Project is exempt from environmental review under Class 1 of the CEQA Guidelines (14 Cal.
3 Code Reg. Section 15301), which provides an exemption for existing facilities; and

4 WHEREAS, On September 13, 2017, at the continuation of the building permit appeal
5 hearing, the Board of Appeals overturned the Planning Department's prior decision and
6 approved the Project as proposed on the plan set dated August 21, 2017; and

7 WHEREAS, On September 27, 2017, Marc Bruno ("Appellant"), appealed the
8 exemption determination; and

9 WHEREAS, The Planning Department's Environmental Review Officer, by
10 memorandum to the Clerk of the Board dated September 28, 2017, determined that the
11 appeal was timely filed; and

12 WHEREAS, On November 14, 2017, this Board held a duly noticed public hearing to
13 consider the appeal of the exemption determination filed by Appellant and, following the public
14 hearing, affirmed the exemption determination; and

15 WHEREAS, In reviewing the appeal of the exemption determination, this Board
16 reviewed and considered the exemption determination, the appeal letter, the responses to the
17 appeal documents that the Planning Department prepared, the other written records before
18 the Board of Supervisors and all of the public testimony made in support of and opposed to
19 the exemption determination appeal; and

20 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
21 affirmed the exemption determination for the Project based on the written record before the
22 Board of Supervisors as well as all of the testimony at the public hearing in support of and
23 opposed to the appeal; and

24 WHEREAS, The written record and oral testimony in support of and opposed to the
25 appeal and deliberation of the oral and written testimony at the public hearing before the

1 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
2 the exemption determination is in the Clerk of the Board of Supervisors File No. 171053, and
3 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

4 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
5 reference in this motion, as though fully set forth, the exemption determination; and, be it

6 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
7 record before it there are no substantial project changes, no substantial changes in project
8 circumstances, and no new information of substantial importance that would change the
9 conclusions set forth in the exemption determination by the Planning Department that the
10 proposed Project is exempt from environmental review; and, be it

11 FURTHER MOVED, That after carefully considering the appeal of the exemption
12 determination, including the written information submitted to the Board of Supervisors and the
13 public testimony presented to the Board of Supervisors at the hearing on the exemption
14 determination, this Board concludes that the Project qualifies for an exemption determination
15 under CEQA.

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