

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 20 Nobles
2 Alley]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 20 Nobles Alley is**
5 **categorically exempt from further environmental review.**

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

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

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

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

23 WHEREAS, The Board of Appeals also requested that Planning Department staff
24 conduct CEQA review of the Project in advance of the September 13, 2017, hearing; and
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1 WHEREAS, On September 7, 2017, Dudley and Eustace de Saint Phalle (project
2 sponsor), filed an environmental evaluation application for the proposed Project; and

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

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

9 WHEREAS, On September 27, 2017, Marc Bruno (“Appellant”), appealed the
10 exemption determination; and

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

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

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

22 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
23 conditionally reversed the exemption determination for the Project subject to the adoption of
24 written findings of the Board in support of such determination based on the written record
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1 before the Board of Supervisors as well as all of the testimony at the public hearing in support
2 of and opposed to the appeal; and

3 WHEREAS, The written record and oral testimony in support of and opposed to the
4 appeal and deliberation of the oral and written testimony at the public hearing before the
5 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
6 the exemption determination is in the Clerk of the Board of Supervisors File No. 171053, and
7 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

8 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
9 findings specifying the basis for its decision on the appeal of the exemption determination
10 issued by the Planning Department for the Project.

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