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

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

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

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

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

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

WHEREAS, On September 7, 2017, Dudley and Eustace de Saint Phalle (project sponsor), filed an environmental evaluation application for the proposed Project; and
WHEREAS, On September 8, 2017, the Planning Department determined that the
Project is exempt from environmental review under Class 1 of the CEQA Guidelines (14 Cal.
Code Reg. Section 15301), which provides an exemption for existing facilities; and
WHEREAS, On September 13, 2017, at the continuation of the building permit appeal
hearing, the Board of Appeals overturned the Planning Department’s prior decision and
approved the Project as proposed on the plan set dated August 21, 2017; and
WHEREAS, On September 27, 2017, Marc Bruno (“Appellant”), appealed the
exemption determination; and
WHEREAS, The Planning Department’s Environmental Review Officer, by
memorandum to the Clerk of the Board dated September 28, 2017, determined that the
appeal was timely filed; and
WHEREAS, On November 14, 2017, this Board held a duly noticed public hearing to
consider the appeal of the exemption determination filed by Appellant and, following the public
hearing, affirmed the exemption determination; and
WHEREAS, In reviewing the appeal of the exemption determination, this Board
reviewed and considered the exemption determination, the appeal letter, the responses to the
appeal documents that the Planning Department prepared, the other written records before
the Board of Supervisors and all of the public testimony made in support of and opposed to
the exemption determination appeal; and
WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
affirmed the exemption determination for the Project based on the written record before the
Board of Supervisors as well as all of the testimony at the public hearing in support of and
opposed to the appeal; and
WHEREAS, The written record and oral testimony in support of and opposed to the
appeal and deliberation of the oral and written testimony at the public hearing before the
Board of Supervisors by all parties and the public in support of and opposed to the appeal of the exemption determination is in the Clerk of the Board of Supervisors File No. 171053, and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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

FURTHER MOVED, That after carefully considering the appeal of the exemption determination, including the written information submitted to the Board of Supervisors and the public testimony presented to the Board of Supervisors at the hearing on the exemption determination, this Board concludes that the Project qualifies for an exemption determination under CEQA.
Motion affirming the determination by the Planning Department that a proposed project at 20 Nobles Alley is categorically exempt from further environmental review.

November 14, 2017 Board of Supervisors - NOT CONTINUED
Ayes: 4 - Fewer, Kim, Ronen and Yee
Noes: 5 - Breed, Farrell, Safai, Sheehy and Tang
Excused: 2 - Cohen and Peskin

November 14, 2017 Board of Supervisors - APPROVED
Ayes: 6 - Breed, Farrell, Safai, Sheehy, Tang and Yee
Noes: 3 - Fewer, Kim and Ronen
Excused: 2 - Cohen and Peskin

I hereby certify that the foregoing Motion was APPROVED on 11/14/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board