



# 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: