[Administrative Code - Local Implementation - California Environmental Quality Act]

Ordinance amending the Administrative Code to simplify and streamline procedures for local compliance with the California Environmental Quality Act (CEQA), including removing shadow analysis as a specific type of environmental impact, reducing the time to appeal CEQA determinations to the Board of Supervisors from 30 to 15 days, and removing some procedures for environmental documents that are not required by CEQA; to implement recent changes in state law regarding the timing of compliance with CEQA; and affirming the Planning Department's determination under CEQA.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Finding.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 260539 and is incorporated herein by reference. The Board affirms this determination.

Section 2. General Findings.

(a) The California Environmental Quality Act (California Public Resources Code Sections 21000 et seq., "CEQA") and the guidelines for its implementation (California Code of Regulations Title 14, Chapter 3, Sections 15000 et seq., "Guidelines") mandate that public agencies consider the environmental impacts of their projects and adopt feasible mitigation measures and/or alternatives to address any significant impacts.

(b) CEQA mandates that public agencies with the primary responsibility for carrying out or approving a project which may have significant impacts on the environment, known as lead agencies, adopt procedures to implement CEQA. Such procedures must be consistent with CEQA.

(c) The Board of Supervisors adopted procedures for the local implementation of CEQA in Chapter 31 of the Administrative Code. The Board delegated authority to the Planning Department, and specifically the Environmental Review Officer, to undertake CEQA review for the City, as one lead agency.

(d) Chapter 31 has been amended from time to time to reflect changes in CEQA statutory and case law.

(e) In 2023, the Legislature passed Assembly Bill 1633 (A.B. 1633). AB 1633 amended the Housing Accountability Act (Government Code Section 65589.5) to include in the definition of "disapproval" a jurisdiction's failure to complete CEQA review within certain time frames, under specified circumstances.

(f) In 2023, the Board of Supervisors adopted the 2022 Housing Element, which includes Action 8.5.6. The action requires the City to identify, within its local CEQA procedures, any requirements that go beyond the CEQA statute and state guidelines, and to amend Chapter 31 to modify or eliminate the identified requirements while continuing to satisfy CEQA.

(g) In 2023, the California Department of Housing and Community Development

issued its San Francisco Housing Policy and Practice Review, which identifies concerns with San Francisco's CEQA practice and sets out required actions. Required Action 2.2 compels the City to eliminate additional requirements for supplemental studies not required by CEQA, such as shadow studies.

(h) In 2025, the Legislature passed Senate Bill 131 (S.B. 131), which notes that while CEQA "provides communities across California with important safeguards against projects like fossil fuel plants and warehouses that have caused real environmental harm to residents of the state," at the same time "too often it has resulted in delays to essential projects that are key to solving the state's housing crisis and to strategic development that is necessary to maintain California's position as the fourth largest economy in the world." The law admonishes that CEQA should not be used to delay a project for reasons unrelated to environmental protection.

(i) Consistent with state initiatives such as Senate Bill 375 and CEQA streamlining measures like Assembly Bill 130, the City's climate policies in the City's Climate Action Plan 2026 and land use policies in the 2022 Housing Element emphasize infill and transit oriented development as key greenhouse gas reduction strategies. This alignment highlights the importance of reducing locally imposed CEQA review barriers that go beyond state law and constrain such development.

(j) On July 23, 2026, the Planning Commission adopted Resolution No. 21933, finding that shadow is not a physical environmental effect under CEQA because its impacts are subjective, variable, dependent on personal preference and the weather, and can have both positive and negative health implications. It is the intent of the Boad of Supervisors to amend Chapter 31 to remove shadow as a topic to be considered in local CEQA review. Proposition K, the Sunlight Ordinance, as implemented through Planning Code Section 295, will continue to protect sunlight on Recreation and Parks Department properties by ensuring that new

construction does not adversely affect public open spaces.

(k) It is the intent of the Boad of Supervisors to amend Chapter 31 to reflect the timelines imposed by Assembly Bill 1633 and simplify local compliance with CEQA in accordance with state mandates and guidance, while maintaining opportunities for robust public participation and upholding the City's commitment to a safe and healthy environment.

Section 3. Chapter 31 of the Administrative Code is hereby amended by revising sections 31.02, 31.03, 31.04, 31.05, 31.07, 31.08, 31.09, 31.10, 31.11, 31.12, 31.13, 31.14, 31.15, and 31.16; deleting section 31.19; and renumbering sections (new number underlined) 31.20 (31.19), 31.21 (31.20), 31.22 (31.21), 31.23 (31.22), and 31.24 (31.23), to read as follows:

ARTICLE I: GENERAL PROVISIONS

SEC. 31.02. POLICIES AND OBJECTIVES.

The basic purposes of CEQA and this Chapter 31 are to:

* * * *

(g) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

(h) Except where otherwise explicitly stated, nothing in this Chapter 31 shall be construed to impose procedures, standards, or substantive requirements that exceed those required by CEQA. The intent of this Chapter is to implement CEQA efficiently and expeditiously and not to expand the scope of environmental review or create additional procedural steps beyond those mandated by state law and regulations.

SEC. 31.03. SCOPE OF REQUIREMENTS.

(a) This Chapter adapts CEQA for use by the City. The emphasis of this Chapter is upon implementing procedures, which are expressly left for determination by local agencies, consistent with CEQA.

(b) The provisions of CEQA are not repeated here, but are expressly incorporated herein by reference as though fully set forth. ~~*This Chapter is supplementary to CEQA.*~~

SEC. 31.04. RESPONSIBILITY AND DEFINITIONS.

* * * *

(e) Where adoption of administrative regulations by resolution of the Planning Commission after public hearing is specified herein, there shall be notice by publication in a newspaper of general circulation in the City at least 20 days prior to the hearing and by posting *on the Planning Department's website (or, as technology evolves, on any other electronic, digital, or publicly accessible platform that the Department determines appropriate, collectively referred to herein as "website"),* ~~*in the offices of the Planning Department,*~~ with copies of the proposed regulations sent to the Board of Supervisors and any other affected boards, commissions, and departments of the City, and to all organizations and individuals who ~~*have previously*~~ requested such notice in writing. The decision of the Commission in adopting administrative regulations shall be final.

(f) The City shall be responsible for conducting environmental review for projects undertaken by the City within the City's territorial limits and for projects undertaken by the City outside the territorial limits of the City.

(g) **Notifications.**

(1) Unless CEQA requires a mailed notice by the United States Postal Service in hard copy form, or an organization or individual requests notice in hard copy form, a City official may provide any mailed notice required by this Chapter using electronic mail

transmission whenever an organization or individual provides an email address to the City official; provided that any notices required by this Chapter shall be provided by mail in hard copy form to any organizations or individuals who have requested such notice in writing prior to the effective date of this provision unless such organizations or individuals affirmatively request electronic notification as provided below. *The Planning Department may request that such organizations or individuals confirm, from time to time, their desire to remain on the list to receive mailed notices in hard copy form, and may update the list accordingly, including removing recipients that have not confirmed their desire to remain on the list.*

(2) **Electronic Notification*s System*.** The Environmental Review Officer shall ~~*implement*~~ *maintain* an electronic notification system ~~*for the notification requirements in this Chapter 31*~~ *through which subscribers have the option to receive electronic notice regarding the availability of all CEQA determinations and related notifications issued by the Environmental Review Officer*. ~~*The Environmental Review Officer shall offer interested organizations and individuals the opportunity to subscribe to an automated electronic mail notification system. The system shall distribute all notifications required by this Chapter to subscribers. Subscribers shall have the option to receive electronic mail regarding all CEQA notifications or all CEQA notifications for: (i) a specific project; (ii) a specific neighborhood, as defined by the Planning Department for notification purposes; (iii) historic districts designated under Articles 10 or 11 of the Planning Code or listed on the National Register of Historic Places; (iv) exemption determinations; (v) negative declarations; and (vi) environmental impact reports. The Environmental Review Officer shall implement the electronic notification system within three months of the operative date of the ordinance enacting this provision of Chapter 31. In the event the system is not operable within such period, the Planning Department shall provide monthly status reports to the Board of Supervisors on the progress the Planning Department has made in implementing the electronic notification system.*~~

(h) **Definitions.**

"Administrative Regulation" means a rule or regulation of general application adopted by the Planning Commission to implement or interpret CEQA or this Chapter 31. The term does not include necessary forms, checklists, or processing guidelines prepared or issued by the Environmental Review Officer to administer CEQA.

"Approval Action" means:

(1) For a private project seeking an entitlement from the City and determined to be exempt from CEQA:

(A) The first approval of the project in reliance on the exemption by the ~~*City*~~ Planning Commission following a noticed public hearing, including, without limitation, a discretionary review hearing as provided for in Planning Code Section 311~~ *or Section 312*~~, or, if no such hearing is required, either:

(B) The first approval of the project in reliance on the exemption by another City commission, board or official following a noticed public hearing granting an Entitlement of Use for the Whole of the Project; or

(C) The issuance of*: (i)* ~~*the*~~ *a* Building Permit*; (ii) a Planning Department Approval Letter;* or *(iii) an*other Entitlement of Use for the Whole of the Project in reliance on the exemption without a noticed public hearing.

(2) For all other projects determined to be exempt from CEQA:

(A) The first approval of the project in reliance on the exemption by a City decision-making body at a noticed public hearing; or

(B) If approved without a noticed public hearing, the decision by a City department or official in reliance on the exemption that commits the City to a definite course of action in regard to a project intended to be carried out by any person.

(3) For all projects determined to require the preparation of a negative declaration *or a mitigated negative declaration*, the approval of the project by the first City

decision-making body that adopts the negative declaration or mitigated negative declaration as provided for in Section 31.11(h) of this Chapter.

"Building Permit" means a permit issued by the Department of Building Inspection as provided by Building Code Section 106A, including, without limitation, a site permit *under* ~~*as defined in*~~ Building Code Section 106A.3.4.2.*1, permits issued by the Airport's Building Inspection and Code Enforcement Section in accordance with Title 24 of the California Code of Regulations; or permits issued pursuant to the Port Building Standards Codes*.

"Date of the Approval Action" means the date the City takes the action on the project that is defined as the "Approval Action," regardless of whether the Approval Action is subject to an administrative appeal.

"Entitlement of Use for the Whole of the Project" means an entitlement that authorizes the project applicant to carry out the project as described in the CEQA ~~*decision*~~ *determination* for the project. Incidental permits needed to complete a project, such as a tree removal permit or a street encroachment permit that alone do not authorize the use sought, would not be an Entitlement of Use for the Whole of the Project, unless such permit is the primary permit sought for the project.

"General Plan Evaluation" means a determination that a project qualifies for a complete or partial exemption from environmental review pursuant to CEQA Section 21083.3 and Guidelines Section 15183, for projects consistent with a community plan or zoning.

"Planning Approval Letter" (also referred to as a Zoning Approval Letter) means a letter confirming that the Planning Department has reviewed the project for compliance with the Planning Code and other applicable land use regulations. This letter is issued as part of the Building Permit approval and is an Approval Action in accordance with this Chapter.

SEC. 31.05. OFFICE OF ENVIRONMENTAL REVIEW.

* * * *

(c) ~~*In addition to the powers and duties conferred below, the*~~ *The* Environmental Review Officer ~~*may, upon delegation by the Planning Commission as to specific projects, take testimony at supplemental*~~ *shall hold* public hearings ~~*on draft environmental impact reports, in addition to, and not in lieu of, the hearing held by the Planning Commission as set forth in section 31.14 of this Chapter, and shall report to, and make all such testimony available to, the Planning Commission at a public hearing*~~ *when CEQA requires that a hearing be held to adopt findings regarding the implementation of feasible mitigation measures pursuant to a General Plan Evaluation, or for other reasons*.

(d) The Environmental Review Officer shall also take such measures, within ~~*his or her*~~ *the Environmental Review Officer's* powers, as may be necessary to assure compliance with this Chapter 31 by persons, and officials, boards, commissions, departments or agencies outside the Planning Department, and shall periodically review the effectiveness and workability of the provisions of this Chapter 31 and recommend any refinements or changes that he or she may deem appropriate for improvement of such provisions.

* * * *

(k) The Environmental Review Officer may delegate ~~*his or her*~~ *the Environmental Review Officer's* responsibilities to an employee of the Office of Environmental Review. All references herein to the Environmental Review Officer shall be deemed to include the Environmental Review Officer's delegate.

(l) The Environmental Review Officer shall process applications for environmental review in accordance with the requirements for equal treatment of permit applicants, unless there is a written finding of a public policy basis for not doing so, as set forth in Campaign and Governmental Conduct Code Section 3.400 and the written guidelines adopted by the Planning Department as required by Section 3.400. ~~*For purposes of Section 3.400, this Section of Chapter 31 and any corresponding written guidelines of the Planning Department, the Board finds that*~~

~~*expediting environmental review out of order, on a priority basis for the purpose of expediting permit processing shall qualify as a public policy basis for projects consisting of: (1) publicly funded affordable housing projects that provide new affordable housing in 100 percent of the on-site dwelling units (where such units are rented or sold at the economic levels defined in Planning Code Section 415); and (2) bicycle and pedestrian projects that are designed primarily to address public safety issues. When an application for environmental review for any project within one of the categories listed above is submitted to the Planning Department, the Environmental Review Officer shall, throughout all stages of the environmental review process, give precedence to all submittals associated with such project over other projects. The Planning Department also shall provide a written preliminary assessment of the eligibility of such projects for an exemption within 60 days of submittal of a complete Preliminary Project Assessment or equivalent application to the Planning Department. As part of the assessment, the Planning Department shall identify as feasible, based on the content of the submittal, the issues that may affect the type and schedule of the environmental review and the process for analysis of such issues.*~~

(m) ~~*The Environmental Review Officer shall prepare an annual report to the Planning Commission and the Board of Supervisors on all appeals filed under any of the appeal provisions of this Chapter 31. The first annual report shall be filed approximately one year after the effective date of this provision of Chapter 31.*~~ *To reflect current standards, methodologies, or technological changes, the Environmental Review Officer may refine or update adopted mitigation measures when tiering from a program-level environmental document or reviewing a new proposed approval for an already approved project, including mitigation measures adopted by the Planning Commission or the Board of Supervisors, without requiring a new approval from those bodies. The Environmental Review Officer may do so if the updated measures would be equally effective as the adopted measures, the change would not create new significant impacts or substantially increase the severity of already identified significant impacts, and the decision is supported by substantial evidence.*

ARTICLE II: PROJECTS COVERED

* * * *

SEC. 31.07. LISTING OF NON-PHYSICAL AND MINISTERIAL PROJECTS.

(a) The Environmental Review Officer shall maintain a listing of types of nonphysical and ministerial projects excluded from CEQA. Such listing shall be modified over time as the status of types of projects may change under applicable laws, ordinances, rules and regulations. The listing shall not be considered ~~*totally inclusive*~~ *exhaustive*, and may at times require refinement or interpretation on a case-by-case basis. ~~*When the Environmental Review Officer proposes to modify such listing, notice shall be provided on the Planning Commission agenda prior to such modification. Any person who may consider any modification to be incorrect may appeal such modification to the Planning Commission within twenty (20) days of the date of the Planning Commission agenda on which notice of such modification was posted. The Planning Commission may affirm, modify or disapprove such modification, and the decision of the Planning Commission shall be final.*~~

(b) Such listing of excluded projects and modifications thereto shall be kept posted *on the Planning Department's website.* ~~*in the offices of the Planning Department, and copies thereof shall be sent to the Board of Supervisors and all other affected boards, commissions and departments of the City.*~~

SEC. 31.08. EXEMPTIONS.

(a) CEQA provides that certain projects are exempt from CEQA because: the project is exempt by statute ("statutory exemption"); the project is in a class of projects that generally do not have a significant effect on the environment ("categorical exemption"); CEQA

streamlining procedures allow reliance on a prior environmental document prepared on a zoning or planning level decision, for example, as provided in community plan areas and for specified urban infill projects (~~"community plan exemption"~~ *"General Plan Evaluation"*), except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site; or the activity is covered under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, thus, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (~~"general rule exclusion"~~ *"common sense exemption"*). Unless otherwise specifically stated, reference in this Chapter 31 to "exemptions" or "exempt from CEQA" or an "exemption determination" shall collectively refer to statutory exemptions, categorical exemptions, *General Plan Evaluations, or common sense exemptions* ~~*community plan exemptions and general rule exclusions*~~.

(b) For categorical exemptions:

(1) Each public agency must list the specific activities that fall within each such class, subject to the qualification that these lists must be consistent with both the letter and the intent of the classes set forth in CEQA.

(2) The Environmental Review Officer shall maintain the required list of the types of projects which are categorically exempt, and shall post it ~~*in the offices of the Planning Department and*~~ on the Planning Department website and shall provide it to all City departments. Such list shall be kept up to date in accordance with any changes in CEQA and any changes in the ~~*status*~~ *types* of local projects *that are categorically exempt.* ~~*The initial list and any additions, deletions and modifications thereto shall be adopted as administrative regulations by resolution of the Planning Commission after public hearing, according to the procedure set forth in Section 31.04(e) of this Chapter.*~~

~~*(3) CEQA allows public agencies to request that the Secretary of the Resources Agency make additions, deletions and modifications to the classes of projects listed as categorically exempt in CEQA. The Planning Commission shall make any such requests, after a public hearing thereon held according to the procedure specified in Section 31.04(e) of this Chapter for adoption of administrative regulations.*~~

(c) The Environmental Review Officer may create necessary forms, checklists and processing guidelines to aid the Planning Department and other departments in determining whether a project may be exempt in accordance with the letter and the intent expressed in CEQA and with the administrative regulations adopted by the Planning Commission.

(d) The Environmental Review Officer shall advise other departments of the requirements of CEQA for determining whether a project is exempt from environmental review. The Environmental Review Officer may delegate the determination whether a project is exempt from CEQA to other departments, provided that other departments shall consult with the Environmental Review Officer regarding the application of exemptions. Further, at the time of each exemption determination, such other departments shall inform the Environmental Review Officer and provide to the Environmental Review Officer a copy of the exemption determination ~~*containing the information specified in Section 31.08(e) of this Chapter 31*~~. The Environmental Review Officer shall be responsible for all determinations so delegated to other departments. When the Planning Department or other City department determines that a project is exempt from CEQA, the issuance of the exemption determination shall be considered an exemption determination by the Planning Department. The Environmental Review Officer shall post on its website the same information about exemption determinations issued by other departments as it provides for exemption determinations issued by the Planning Department.

(e) When the Environmental Review Officer, or any other department to which the

Environmental Review Officer has delegated responsibility pursuant to Section 31.08(d) above, has determined that a project is exempt from CEQA, ~~*the following provisions*~~ *they* shall *post the exemption on the Planning Department's website.* ~~*apply:*~~

~~*(1) **Posting Exemptions Determinations.***~~

~~*(A) For all exemptions determinations, the Environmental Review Officer shall post on the Planning Department website the following information about each exemption determination: (1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the project, as defined in Section 31.04(h); and (5) the date of the exemption determination.*~~

~~*(B) For projects that involve the issuance of multiple discretionary permits or other project approvals, in addition to the requirements of Section 31.08(e)(1)(A), the Environmental Review Officer shall describe and evaluate the whole of the project that will result from all discretionary approvals and identify any additional discretionary approvals required other than the Approval Action that are known to the Environmental Review Officer at the time of the issuance of the exemption determination, and post this information on the Planning Department website.*~~

~~*(2) The Environmental Review Officer may issue a Certificate of Exemption from Environmental Review by preparing a written exemption determination containing the information in Section 31.08(e)(1), and by posting a copy in the offices of the Planning Department and on the Planning Department website, and by mailing copies to the applicant, the board(s), commission(s) or department(s) that will carry out or approve the project, and to any organizations and individuals who previously have requested such notice in writing.*~~

~~*(32) The Environmental Review Officer shall prepare a Certificate of Exemption from Environmental Review or comparable written exemption determination and provide notice to the public*~~

~~*as provided for in Section 31.08(e)(2) for all projects involving: (A) any historical resources, defined as any buildings and sites listed individually or located within districts (i) listed in Planning Code Articles 10 or 11, on an historic resource survey that has been adopted or officially recognized by the City, on the California Register or determined eligible for listing on the California Register by the State Historical Resources Commission, including, without limitation, any location listed on or determined eligible for the National Register of Historic Places, or (ii) a resource that the Environmental Review Officer determines, based on substantial evidence, to be a historical resource under Public Resources Code Section 5024.1; (B) any Class 31 categorical exemption; (C) any demolition as defined in Planning Code Section 317 or in Planning Code Section 1005(f) of an existing structure; (D) any Class 32 categorical exemption; or (E) any community plan exemption.*~~

(f) **Informing the Public of the Approval Action for a Project as Part of Public Hearing Notice.**

(1) When the Planning Department or other City department provides notice of a public hearing on the Approval Action for a project that it has determined to be exempt from CEQA, the notice shall:

(A) Inform the public of the exemption determination and how the public may obtain a copy of the exemption-determination;

(B) Inform the public of its appeal rights to the Board of Supervisors with respect to the CEQA exemption determination following the Approval Action and within the time frame specified in Section 31.16 of this Chapter; and

(C) Inform the public that under CEQA, in a later court challenge a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process, if any, on the CEQA decision.

(2) Additionally, when the Planning Department provides a notice under Planning Code Section 311 ~~*or Section 312*~~ of the opportunity to request a discretionary review hearing before the Planning Commission on a Building Permit application, the notice shall:

(A) Contain the information required by this Section 31.08(f) in addition to any notice requirements in the Planning Code;

(B) Inform the notification group that if a discretionary review hearing is requested before the Planning Commission, the Approval Action for the project under this Chapter 31 will occur upon the Planning Commission's approval of the Building Permit application, if such approval is granted; and

(C) Inform the notification group that if a discretionary review hearing is not requested, the Approval Action for the project will occur upon the issuance of a Building Permit by the Department of Building Inspection, if such permit is granted. The notice also shall advise the notification group of how to request information about the issuance of the Building Permit.

(g) A City board, commission, department, or official that grants the Approval Action for a project of the type defined in Section 31.16(e)(2)(B) of this Chapter, which Approval Action is taken without a noticed public hearing as provided for in Section 31.08(f) of this Chapter, shall thereafter arrange for the Planning Department to post on the Planning Department's website a written decision or written notice of the Approval Action for the project that informs the public of the first date of posting on the website and advises the public that the exemption determination may be appealed to the Board of Supervisors as provided in Section 31.16(e)(2)(B) of this Chapter within ~~*30*~~ *15* days after the first date of posting of the notice.

~~*(h) **Filing Notice of Exemption.** After the City has decided to carry out or approve the project and the project is considered finally approved as provided for in Section 31.16(b)(11), in accordance*~~

~~*with CEQA procedures, the Environmental Review Officer may file a notice of exemption with the county clerk in the county or counties in which the project is to be located. The Planning Department shall also post a copy of the notice of exemption in the offices of the Planning Department and on the Planning Department website, and mail a copy of the notice of exemption to any organizations and individuals who previously have requested such notice in writing.*~~

~~*(i) **Modification of Exempt Project.***~~

~~*(1) Where a change occurs to a project that the Environmental Review Officer has determined to be exempt, prior to any subsequent approval actions, the Environmental Review Officer shall determine whether the change is a substantial modification that requires reevaluation as provided for in Section 31.19(b) of this Chapter 31. A substantial modification of an exempt project requiring reevaluation under Section 31.19(b) shall mean either:*~~

~~*(A) A change in the project as described in the original application upon which the Environmental Review Officer based the exemption determination, or in the exemption determination posted on the Planning Department website at the time of issuance, which would constitute an expansion or intensification of the project as defined in the Planning Code. An expansion or intensification of the project as defined in the Planning Code includes, but is not limited to: (A) a change that would expand the building envelope or change the use that would require public notice under Planning Code Sections 311 or 312, or (B) a change in the project that would constitute a demolition under Planning Code Sections 317 or 1005(f).*~~

~~*(B) New information or evidence of substantial importance presented to the Environmental Review Officer that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Review Officer issued the exemption determination that shows the project no longer qualifies for the exemption.*~~

~~*(2) When the Environmental Review Officer determines that a change in a project is a substantial modification, the Environmental Review Officer shall make a new CEQA decision as*~~

~~*provided for under Section 31.19(b) of this Chapter 31. The Planning Department will require payment of fees as defined in the Department's fee schedule for the applicable type of environmental review. When the Planning Commission or Planning Department renders a new CEQA decision for a project after the Approval Action, as provided for in Section 31.19(b), and the City takes a new Approval Action for the project in reliance on the new CEQA decision, the new CEQA decision may be appealed in accordance with the provisions of Section 31.16 of this Chapter, as to those issues associated with the project changes since the original exemption determination.*~~

~~*(3) When the Environmental Review Officer determines that a change in an exempt project is not a substantial modification, the Environmental Review Officer shall post a notice of the determination in the offices of the Planning Department and on the Planning Department website and mail such notice to the applicant, board(s), commission(s) or department(s) that will carry out or approve the project, and to any organizations and individuals who previously have requested such notice in writing.*~~

~~*(j) **Appeal of a Determination That Change in Exempt Project Is Not a Substantial Modification.***~~

~~*(1) Within 10 days of the posting of the notice of a determination that a change in an exempt project is not a substantial modification as defined in 31.08(i), an appeal may be filed with the Environmental Review Officer, who is provided for in Section 31.05, including subsection (k), requesting that the Environmental Review Officer reverse the determination and render a new CEQA decision for the project. Such an appeal is not an appeal of a CEQA decision under the California Environmental Quality Act and shall not delay or suspend any permit approval or other discretionary approval authorizing the change in the project, or suspend any construction activity.*~~

~~*(2) If such an appeal is filed when a regularly scheduled meeting of the Planning Commission will be held within 20 days of the filing of the appeal, the Environmental Review Officer shall hold a noticed public hearing on the day of a Planning Commission meeting held within such 20-*~~

~~*day period, unless the period between the filing of the appeal and the Planning Commission meeting is insufficient to notice the public hearing. If no Planning Commission meeting is held within the 20-day period, or the period between the filing of appeal and the Planning Commission meeting within 20 days of the appeal is insufficient to notice the public hearing, the hearing shall take place on the day of one of the next two regularly scheduled Planning Commission meetings after such 20-day period.*~~

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

~~*(4) If after such reconsideration, the Environmental Review Officer determines that the original determination was in error, the Environmental Review Officer shall render a new CEQA decision for the project in accordance with the requirements of CEQA and this Chapter 31. Any prior permit approval or other discretionary approval authorizing the change in the project shall be suspended by the decision-maker who approved the project until the Environmental Review Officer issues a new CEQA decision. If the Environmental Review Officer determines that the project as modified is exempt from CEQA and makes a new exemption determination in accordance with this Chapter 31, any suspended approval shall be reinstated and valid as of the date of the original approval. However, if the Environmental Review Officer identifies a suspended approval as the Approval Action for the modified project, the date of the Approval Action for the modified project, for purposes of this Chapter 31 only, shall be the date the approval is reinstated. If the Environmental Review Officer determines that the modified project is not exempt, and an initial study is required, any prior approval for the modified project shall be void.*~~

~~*(5) If after such reconsideration, the Environmental Review Officer determines that the original decision was not in error, the original determination of the Environmental Review Officer shall be final and no further appeal to any body of the City and County of San Francisco of the determination that the change in the project is not a substantial modification shall be granted,*~~

~~*including without limitation, the Board of Appeals.*~~

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

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

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

ARTICLE III: EVALUATIONS

SEC. 31.09. DETERMINATION OF NEED FOR EVALUATION.

Upon receiving ~~*an environmental evaluation*~~ *a project* application ~~*for a project*~~; upon referral of a project by the board, commission or department that is to carry out or approve the project; or through such other process for rendering an exemption determination as the Environmental Review Officer shall authorize, the Environmental Review Officer shall determine whether such project is exempt from environmental review. *For projects that are exempt from CEQA, the Environmental Review Officer shall determine whether such project is exempt within 30 days of receiving a complete project application.* For all projects that are not exempt from CEQA, prior to the City's decision as to whether to carry out or approve the project, the Environmental Review Officer shall conduct an initial study to establish whether a negative declaration or an environmental impact report is required. In the event it is clear at the outset that an environmental impact report is required, the Environmental Review Officer may make an immediate determination and dispense with the initial study.

SEC. 31.10. INITIAL EVALUATION OF PROJECTS.

(a) Each ~~*environmental evaluation*~~ *project* application or referral shall include a project description using as its base the environmental information form set forth as Appendix H of the CEQA Guidelines, which form shall be supplemented to require additional data and information applicable to a project's effects~~, *including consistency with the environmental issues included in the Eight Priority Policies set forth in Section 101.1 of the Planning Code and incorporated into the General Plan; shadow impacts, including the analysis set forth in Planning Code Section 295; and such other data and information specific to the urban environment of San Francisco or to the specific project*~~. Each ~~*environmental evaluation*~~ *project* application or referral shall be certified as true and correct by the applicant or referring board, commission, or department. Each initial study shall include an identification of the environmental effects of a project using as its base the environmental checklist form set forth in Appendix G of the CEQA Guidelines and addressing each of the questions from the checklist form that are relevant to a project's environmental effects; provided that the checklist form ~~*shall*~~ *may* be supplemented to address additional environmental effects~~, *including consistency with the environmental issues included in the Eight Priority Policies set forth in Section 101.1 of the Planning Code and incorporated into the General Plan, shadow impacts, including the analysis set forth in Planning Code Section 295, and such other environmental effects*~~ specific to the urban environment of San Francisco or to the specific project.

* * * *

SEC. 31.11. NEGATIVE DECLARATIONS OR MITIGATED NEGATIVE DECLARATIONS.

* * * *

(b) The Environmental Review Officer shall first prepare a negative declaration on a preliminary basis, and shall post a copy of the proposed negative declaration ~~*in the offices of the Planning Department and*~~ on the Planning Department website.

(c) The Environmental Review Officer shall provide a notice of intent to adopt a negative declaration ("notice of intent") to *the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located.* ~~*those persons required by CEQA.*~~ In each instance, the Environmental Review Officer shall provide notice by *at least one of the following procedures, but shall retain discretion to provide notice in additional ways*:

~~*(1) Mail to the applicant and the board(s), commission(s) or department(s) that will carry out or approve the project.*~~

~~*(2) Publication in a newspaper of general circulation in the City.*~~

~~*(3) Posting in the offices of the Planning Department.*~~

(~~4~~1) Posting ~~*on*~~*in the area where* the ~~*subject site*~~ *project is to be located*. The Planning Department shall ~~*develop*~~*maintain* guidance on the requirements for posting to assure that posters are visible from the closest public street or other public space.

(~~5~~2) Mail*ing* ~~*to the owners of all real property, and to the extent practicable, the residential occupants, within the area that is the subject of the negative declaration and within 300 feet of all exterior boundaries of such area, and by mail to all organizations and individuals who have previously requested such notice in writing, sufficiently prior to adoption of the negative declaration to allow the public and agencies a review period of not less than 20 days, or 30 days if a 30-day circulation period is required by CEQA. In the case of City-sponsored projects that involve rezonings, Area Plans or General Plan amendments and are either citywide in scope or the total area of land that is part of the project, excluding the area of public streets and alleys, is 20 acres or more, the Environmental Review Officer shall provide notice by mail to the owners, and to the extent practicable, the residential occupants, within the exterior boundaries of the project area, and*~~ *to owners and*

occupants of the property contiguous to the project, and to all organizations and individuals who ~~*previously*~~ requested such notice in writing.

(3) Publishing at least one time in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(d) The notice of intent shall specify the period during which comments are to be received, the date, time, and place of any public hearings on the project when known to the Planning Department at the time of the notice, a brief description of the project and its location, *the presence of the site on any of the lists enumerated under Section 65962.5 of the Government Code,* the address where copies of the negative declaration and all documents referenced in the negative declaration are available for review, and the Planning Department staff contact. ~~*The notice of intent shall include a statement that no appeal of the negative declaration to the Board of Supervisors under Section 31.16 of this Chapter will be permitted unless the appellant first files an appeal of the preliminary negative declaration to the Planning Commission, and any other information as required by CEQA.*~~

~~*(e) Within 20 days, or 30 days if required by CEQA, following the publication of the notice of intent, any person may appeal the proposed negative declaration to the Planning Commission, specifying the grounds for such appeal, or submit comments on the proposed negative declaration.*~~

~~*(f) The Planning Commission shall schedule a public hearing on any such appeal within not less than 14 nor more than 30 days after the close of the appeal period. Notice of such hearing shall be posted in the offices of the Planning Department and on the Planning Department website, and shall be mailed to the appellant, to the applicant, to the board(s), commission(s) or department(s) that will carry out or approve the project, to any individual or organization that has submitted comments on the proposed negative declaration, and to any other individuals or organizations that previously have requested such notice in writing.*~~

~~*(g) After holding such hearing the Planning Commission shall affirm the proposed negative declaration if it finds that the project could not have a significant effect on the environment, may refer the proposed negative declaration back to the Planning Department for specified revisions, or shall overrule the proposed negative declaration and order preparation of an environmental impact report if it finds substantial evidence to support a fair argument that the project may have a significant effect on the environment.*~~

(e) Members of the public, and responsible and trustee agencies shall have 20 days, or 30 days if required by CEQA, to review and submit comments on the proposed negative declaration. The Environmental Review Officer may revise the proposed negative declaration to incorporate information submitted in the comments, provided, however, that the revisions do not constitute a substantial revision, as defined in CEQA Guideline section 15073.5. The Environmental Review Officer shall keep a complete administrative record of proceedings in each case in which a negative declaration is prepared.

(~~*h*~~*f*) ~~*If the proposed negative declaration is not appealed as provided herein, or if it is affirmed on appeal, the negative declaration shall be considered final, subject to any necessary modifications. Thereafter, the*~~*The* first City decision-making body to act on approval of the project shall review and consider the information contained in the ~~*final*~~ negative declaration, together with any comments received during the public review process *and any revisions made to the negative declaration after the close of the comment period.* ~~*, and,*~~ *Thereafter,* upon making the findings as required by CEQA, *it* shall adopt the negative declaration, prior to approving the project. A public notice of the proposed action to adopt the negative declaration and take the Approval Action for the project shall advise the public of its appeal rights to the Board of Supervisors with respect to the negative declaration following the Approval Action in reliance on the negative declaration and within the time frame specified in Section 31.16 of this Chapter. All decision-making bodies shall review and consider the negative declaration and make findings

as required by CEQA prior to approving the project.

(~~i~~g) At the time the City adopts a mitigated negative declaration, the decision-making body shall also adopt a program for reporting on or monitoring the mitigation measures for the project that it has either required or made a condition of approval to mitigate or avoid significant environmental effects.

(~~j~~h) After the City has decided to carry out or approve the project and the project is considered finally approved as provided for in Section 31.16(b)(11), in accordance with CEQA procedures, and upon the payment of required fees by the project sponsor, the Environmental Review Officer shall file a notice of determination with the county clerk in the county or counties in which the project is to be located. If required by CEQA, the notice of determination shall also be filed with the California Office of ~~*Planning and Research*~~*Land Use and Climate Innovation*. When the Environmental Review Officer files a notice of determination with the county clerk or the California Office of ~~*Planning and Research*~~ *Land Use and Climate Innovation* or both, the Planning Department also shall post a copy of the notice of determination ~~*in the offices of the Planning Department and*~~ on the Planning Department website, and mail a copy of the notice of determination to any organizations and individuals who ~~*previously have*~~ requested such notice in writing.

SEC. 31.12. DETERMINATIONS THAT ENVIRONMENTAL IMPACT REPORTS ARE REQUIRED.

When the Environmental Review Officer determines that an environmental impact report is required by CEQA, the Environmental Review Officer shall distribute a notice of preparation in the manner and containing the information required by CEQA and provide such other notice as required by CEQA. In addition, the Environmental Review Officer shall prepare a notice advising the public of the notice of preparation and of any scheduled scoping

meetings ~~*and publish the notice of preparation in a newspaper of general circulation in the City,*~~ *and* post the notice of preparation ~~*in the offices of the Planning Department and*~~ on the Planning Department website, and mail the notice of preparation to ~~*the applicant, the board(s), commission(s) or department(s) that will carry out or approve the project and to*~~ all organizations and individuals who ~~*have previously*~~ requested such notice in writing.

SEC. 31.13. DRAFT ENVIRONMENTAL IMPACT REPORTS.

* * * *

(b) The applicant or the board, commission or department that is to carry out or approve the project shall submit to the Environmental Review Officer such data and information as may be necessary to prepare the draft EIR. If such data and information are not submitted, the Environmental Review Officer may suspend work on the draft EIR. ~~*The data and information submitted shall, if the Environmental Review Officer so requests, be in the form of all or a designated part or parts of the proposed draft EIR itself, although the*~~ *The* Environmental Review Officer shall ~~*in any event make his or her own*~~ *conduct all* evaluation and analysis and exercise ~~*his or her*~~ independent judgment in ~~*preparation of*~~ *preparing* the draft EIR for public review.

(c) During preparation of the draft EIR, the Environmental Review Officer may consult with any person having knowledge or interest concerning the project. If ~~*he/she*~~ *the Environmental Review Officer* has not already done so in accordance with Section 31.10 above, in cases in which the project is to be carried out or approved by more than one public agency, the Environmental Review Officer shall consult with all other public agencies that are to carry out or approve the project.

(d) When the draft EIR has been prepared, the Environmental Review Officer shall file a notice of completion of such draft with the California Office of ~~*Planning and Research*~~ *Land Use*

and Climate Innovation as required by CEQA and make the draft EIR available through the State Clearinghouse if and as required by the California Office of ~~*Planning and Research*~~ *Land Use and Climate Innovation*.

SEC. 31.14. CONSULTATIONS AND COMMENTS.

(a) The Environmental Review Officer shall provide public notice of the availability of the draft EIR ~~*and schedule a public hearing on the draft EIR with the Planning Commission. The Environmental Review Officer shall provide the notice of availability*~~ at the same time that the notice of completion is filed as required by CEQA. The notice of availability shall be *posted on the Planning Department's website and* distributed ~~*at least 30 days prior to the scheduled public hearing on the draft EIR*~~ *on the first day of the draft EIR public comment period*. The Environmental Review Officer shall distribute the notice of availability in the manner required by CEQA, ~~*and in each instance shall:*~~ *Specifically, the Environmental Review Officer shall* ~~*(1) Send*~~ *post* the notice to *the public, and send to* any public agencies that CEQA requires the lead agency to consult with and request comments from on the draft EIR, and may send copies of the draft EIR to and consult with other persons with special expertise with respect to any environmental impact involved, *including City agencies and commissions with special expertise, such as the Historic Preservation Commission*. *In each instance, the Environmental Review Officer shall provide notice by at least one of the following procedures, but shall retain discretion to provide notice in additional ways, as needed:*

~~*(A) In sending such notices and copies of the draft EIR, the Environmental Review Officer shall request comments on the draft EIR from such agencies and persons, with particular focus upon the sufficiency of the draft EIR in discussing possible effects on the environment, ways in which adverse effects may be minimized, and alternatives to the project.*~~

~~*(B) For the types of projects set forth in Sections 31.08(e)(3)(A) and*~~

~~*31.08(e)(3)(B) of this Chapter 31, and for any other projects that may be subject to the approval of the Historic Preservation Commission, the Environmental Review Officer shall send a copy of the draft EIR to the Historic Preservation Commission and obtain any comments that the Historic Preservation Commission has on the draft EIR at a noticed public meeting. The Planning Department shall schedule the public meeting at least seven days prior to any Planning Commission hearing on the draft EIR. But, if the calendars of the two commissions do not allow such scheduling without extending the noticed public comment period, the Planning Department shall schedule the public meeting as far in advance of the Planning Commission hearing as possible, consistent with not extending the public comment period*~~.

(~~2~~1) Post*ing in the area where the subject site project is to be located.* ~~*the notice in the offices of the Planning Department and on the Planning Department website.*~~

~~*(3) Post on the subject site.*~~ The Planning Department shall ~~*develop*~~ *maintain* guidance on the requirements for posting to assure that posters are visible from the closest public street or other public space.

~~*(4) Publish the notice in a newspaper of general circulation in the City.*~~

(~~5~~2) Mail*ing* the notice *to all owners and occupants of the property contiguous to the project,* ~~*to the applicant, the board(s), commission(s) or department(s) that will carry out or approve the project,*~~ and to any individuals or organizations that ~~*previously have*~~ requested such notice in writing.'

(3) Publishing at least one time in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas

~~*(6) Mail the notice to the owners of all real property, and to the extent practicable, the residential occupants, within the area that is the subject of the environmental impact report and within 300 feet of all exterior boundaries of such area. In the case of City-sponsored projects that involve*~~

~~*rezonings, area plans or General Plan amendments and are either citywide in scope or the total area of land that is part of the project, excluding the area of public streets and alleys, is 20 acres or more, the Environmental Review Officer shall provide notice by mail to the owners and, to the extent practicable, the residential occupants within the exterior boundaries of the project area, and to all organizations and individuals who previously requested such notice in writing.*~~

(b) The notice of availability shall contain the information required by CEQA and in each instance shall:

(1) State the starting and ending dates for the draft EIR review period during which the Environmental Review Officer will receive comments, *the manner in which comments will be received,* and if comments are not returned within that time it shall be assumed that the agency or person has no comment to make. The public review period shall not be less than 30 days nor more than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. The Planning Commission or the Environmental Review Officer may, upon the request of an agency or person with special expertise from whom comments are sought, grant an extension of time beyond the original period for comments~~*, but such extension shall not prevent with the holding of any hearing on the draft EIR for which notice has already been given*~~.

~~*(2) State the time, place and date of the scheduled Planning Commission hearing on the draft EIR and all hearings at which the Environmental Review Officer will take testimony.*~~

(~~3~~2) State that only commenters on the Draft EIR will be permitted to file an appeal of the certification of the Final EIR to the Board of Supervisors under Section 31.16 of this Chapter.

(c) The Planning Department shall make the draft EIR available to the public upon the

date of the notice of availability. The Planning Department shall post a copy of the draft EIR on the Planning Department website and provide a copy of the draft EIR to the ~~*applicant and to such*~~ board(s), commission(s), or department(s) and to any organizations or individuals who ~~*previously have*~~ requested a copy in writing, in electronic form on a text searchable digital storage device or by text searchable electronic mail transmission when an email address is provided, unless a printed hard copy is specifically requested.

(d) Public participation, both formal and informal, shall be encouraged at all stages of review, and written comments shall be accepted at any time up to the conclusion of the public comment period. The Environmental Review Officer may give public notice at any formal stage of the review process, beyond the notices required by this Chapter 31 and CEQA, in any manner the Environmental Review Officer may deem appropriate.

~~*(e) The Planning Commission shall hold a public hearing on every draft EIR during the public comment period. The Environmental Review Officer may, upon delegation by the Planning Commission, take testimony at supplemental public hearing(s) on draft EIRs, in addition to, and not in lieu of, the hearing conducted by the Planning Commission, and shall report to and make all testimony received by the Environmental Review Officer available to the Planning Commission at a public hearing.*~~

~~*(f) To the extent practicable, any comments already received from any agency, organization or individual shall be available at the public hearing.*~~

SEC. 31.15. FINAL ENVIRONMENTAL IMPACT REPORTS.

(a) A final EIR shall be prepared by, or at the direction of, the Environmental Review Officer, based upon the draft EIR, the consultations and comments received during the review process, and additional information that may become available. Not less than 10 days prior to the Planning Commission hearing to consider certification of the final EIR *if public agencies*

have submitted comments on the draft EIR, the final EIR shall be made available to the public and to any board(s), commission(s) or department(s) that will carry out or approve the project.

(b) The final EIR shall ~~*include*~~ *consist of the draft EIR,* a list of agencies and persons consulted, the comments received, either verbatim or in summary, and a response to any comments that raise significant points concerning effects on the environment. The response to comments may take the form of revisions within the draft EIR, or by adding a separate section in the final EIR, or by providing an explanation in response to the comment.

(c) An administrative record of proceedings shall be kept of each case in which an EIR is prepared, including all comments received in writing ~~*in addition to a record of the public hearing*~~. The final EIR shall indicate the location of such record. ~~*The Environmental Review Officer shall cause the hearing on the draft EIR to be recorded by a phonographic reporter and transcribed and retained as part of the administrative record. Any separate or additional transcription of a hearing record shall be at the expense of the person requesting such transcription.*~~

(d) When the final EIR has been prepared and in the judgment of the Planning Commission it is adequate, accurate and objective, reflecting the independent judgment and analysis of the Planning Commission, the Planning Commission shall certify its completion in compliance with CEQA. The notice of the Planning Commission hearing on the certification of the final EIR shall inform the public of its appeal rights to the Board of Supervisors with respect to the final EIR within the time frame specified in Section 31.16 of this Chapter. The certification of completion shall contain a finding as to whether the project as proposed will, or will not, have a significant effect on the environment.

(e) After the City has decided to carry out or approve the project and the project is considered finally approved as provided for in Section 31.16(b)(11), in accordance with CEQA procedures ~~*and upon the payment of required fees by the project sponsor,*~~ the Environmental Review Officer shall file a notice of determination with the county clerk in the county or

counties in which the project is to be located. If required by CEQA, the notice of determination shall also be filed with the California Office of ~~*Planning and Research*~~*Land Use and Climate Innovation*. The Environmental Review Officer shall also post the notice of determination ~~*in the offices of the Planning Department and*~~ on the Planning Department website, and mail a copy to any organizations and individuals who ~~*previously have*~~ requested such notice in writing.

SEC. 31.16. APPEAL OF CERTAIN CEQA DECISIONS.

(a) **Decisions Subject to Appeal**. In accordance with the provisions set forth in this Section 31.16, the following CEQA decisions may be appealed to the Board of Supervisors (the "Board"): (1) certification of a final EIR by the Planning Commission; (2) adoption of a negative declaration by the first decision-making body; and (3) determination by the Planning Department or any other authorized City department that a project is exempt from CEQA~~.~~; *provided, however, that when the Board is the first decision-making body for the project, no administrative appeals are permitted under this Chapter.*

(b) **Appeal Procedures**. In addition to the applicable requirements of Section 31.16(c) pertaining to EIRs, Section 31.16(d) pertaining to negative declarations or Section 31.16(e) pertaining to exemption determinations, the following requirements shall apply to an appeal of any of the decisions listed in Section 31.16(a).

(1) The appellant shall submit a letter of appeal to the Clerk of the Board within the time frames set forth in Sections 31.16(c), (d), or (e), as applicable. The letter of appeal shall state the specific grounds for appeal, and shall be accompanied by a fee, as set forth in Section 31.~~22~~*21* of this Chapter, payable to the San Francisco Planning Department. The appellant shall sign the letter of appeal, or may have an agent, file an appeal on ~~*his or her*~~ *the appellant's* behalf. The appellant shall submit with the appeal a copy of the CEQA decision being appealed, if available, and otherwise shall submit it when available. The appellant shall

submit a copy of the letter of appeal and any other written materials submitted to the Clerk in support of the appeal to the Environmental Review Officer at the time appellant submits the letter of appeal to the Clerk of the Board. The submission to the Environmental Review Officer may be made by electronic means. An appeal shall be accepted by the Clerk with notice given to the appellants that the acceptance is conditioned upon the Planning Department determining that the appeal of the CEQA decision, whether rendered by the Planning Department or another City commission, department, agency or official, has been filed in a timely manner, and the Clerk otherwise determining that the appeal complies with the requirements of this section. The Planning Department shall make such determination within three working days of receiving the Clerk's request for review. Within seven working days of the filing of the appeal the Clerk shall mail notice to the appellants of the acceptance or rejection of the appeal. The Clerk of the Board may reject an appeal if appellant fails to comply with this Section 31.16(b)(1).

* * * *

(7) The Board shall act on an appeal within ~~*30 days*~~ *two weeks* of the date scheduled for the hearing, provided that if ~~*the full membership of the Board is not present*~~ *there is no quorum of the Board* on ~~*the last*~~ *that* day ~~*on which the appeal is set for a decision within said 30 days*~~ *or if the Board is on recess*, the Board may postpone a decision thereon until, but not later than, ~~*the full membership*~~ *the next hearing at which a quorum* of the Board is present*.*~~*; and provided further, if the Board of Supervisors does not conduct at least three regular Board meetings during such 30 day period, the Board of Supervisors shall decide such appeal within 40 days of the time set for the hearing thereon or at the next regularly scheduled Board meeting should such deadline fall within a Board recess; and provided further that the latest date to which said decision may be so postponed under this Section shall be not more than 90 days from the expiration of the time frames set forth in Sections 31.16(c), (d), or (e), as applicable, for filing an appeal.*~~

(8) The Board may affirm or reverse any CEQA decision by a vote of a majority of all members of the Board. A tie vote shall be deemed to be disapproval of the CEQA decision. The Board shall act by motion. The Board shall adopt findings in support of its decision, which may include adoption or incorporation of findings made by the Planning Commission, Environmental Review Officer, or other City department authorized to act on the CEQA decision below. If the Board reverses the CEQA decision, the Board shall adopt specific findings setting forth the reasons for its decision *within two weeks of the reversal, provided that if there is no quorum of the Board on that day or if the Board is on recess, the Board may postpone a decision thereon until, but not later than, the next hearing at which a quorum of the Board is present*.

* * * *

(12) If a project applicant has provided timely and complete written notice of project disapproval under subsections (h)(6)(D) and (h)(6)(E) of California Government Code section 65589.5, also known as the Housing Accountability Act (as those sections may be amended from time to time), the City shall issue a lawful determination, as defined in subsection (h)(7) of that section, within 90 days of that notice, or within 180 days of the notice if an extension has been invoked. This includes any revisions to the prior CEQA decision and any appeals to the Board of Supervisors.

(c) **Appeal of Environmental Impact Reports**. In addition to those requirements set forth in Section 31.16(b) above, the following requirements shall apply only to appeals of EIRs.

(1) Any person or entity that has submitted comments to ~~*the Planning Commission or*~~ the Environmental Review Officer on a draft EIR~~*, either in writing*~~ during the public review period~~*, or orally or in writing at a public hearing on the EIR,*~~ may appeal the Planning Commission's certification of the final EIR.

(2) The appellant of a final EIR shall submit a letter of appeal to the Clerk of the Board no later than ~~30~~ *15* days after the Planning Commission's certification of the EIR.

* * * *

(d) **Appeal of Negative Declarations**. In addition to those requirements set forth in Section 31.16(b) above, the following requirements shall apply only to appeals of negative declarations.

(1) Any person or entity that has ~~*filed an appeal of*~~ *submitted comments on* the preliminary negative declaration with the ~~*Planning Commission*~~ *Environmental Review Officer* during the public comment period provided by this Chapter 31 for filing comments on the preliminary negative declaration may appeal the Planning ~~*Commission's*~~ *Department's* approval of the final negative declaration.

(2) The appellant of a negative declaration shall submit a letter of appeal to the Clerk of the Board ~~*after the Planning Commission approves the final negative declaration and*~~ within ~~30~~ *15* days after the Date of the Approval Action for the project taken in reliance on the negative declaration.

(3) The grounds for appeal of a negative declaration shall be limited to whether, in light of the whole record before the Board, the negative declaration conforms to the requirements of CEQA and there is no substantial evidence to support a fair argument that the project may have a significant effect on the environment, and in the case of a mitigated negative declaration, the adequacy and feasibility of the mitigation measures.

(4) The Board shall affirm the ~~*Planning Commission approval of the*~~ negative declaration if it finds that the negative declaration conforms to the requirements of CEQA and that the record does not include substantial evidence to support a fair argument that the project may have a significant effect on the environment.

(5) The Board shall reverse the ~~*Planning Commission approval of the*~~ *adoption of the* negative declaration if it finds that the negative declaration does not conform to the requirements of CEQA or there is substantial evidence to support a fair argument that the project may have a significant effect on the environment that has not been avoided or mitigated to a less than significant level by mitigation measures or project modifications agreed to by the project sponsor or incorporated into the project. If the Board reverses the *adoption of the* ~~*decision of the Planning Commission*~~ *negative declaration*, it shall remand the negative declaration to the Planning Department for further action consistent with the Board's findings.

(A) In the event the Board remands the negative declaration to the Planning Department for revision, the Environmental Review Officer shall finalize the revised negative declaration and send notice to the public, as set forth in Section 31.11 of this Chapter, of the availability of the revised negative declaration. ~~*No appeal to the Planning Commission of the revised negative declaration shall be required.*~~ ~~*In the event*~~ *If* an organization or individual wishes to appeal the revised negative declaration, such appeal shall be made directly to the Board of Supervisors within ~~*30*~~ *15* days of publication of the revised negative declaration and shall comply with the procedures set forth in this Section 31.16. The Board's subsequent review, if any, shall be limited to the portions of the negative declaration that the Planning Department has revised.

(B) In the event the Board determines that a project may have a significant effect on the environment that cannot be avoided or mitigated to a less than significant level and, therefore, an EIR is required, the Planning Department shall prepare an EIR in accordance with CEQA and this Chapter 31. Any subsequent appeal to the Board shall comply with the procedures set forth in this Section 31.16.

(e) **Appeal of Exemption Determinations**. In addition to those requirements set forth in Section 31.16(b) above, the following requirements shall apply to appeals of exemption*s* determinations.

(1) Any person or entity may appeal the exemption determination by the Planning Department or other authorized City department to the Board.

(2) The appellant of an exemption determination shall submit a letter of appeal to the Clerk of the Board within the following time frames as applicable:

(A) For a private project seeking a permit, license or other entitlement for use for which the City otherwise provides an appeal process for the entitlement, the appeal of an exemption determination shall be filed after the Planning Department issues the exemption determination and within ~~*30*~~ *15* days after the Date of the Approval Action, regardless of whether the Approval Action is subject to a ~~*shorter*~~ *different* appeal period. Departments that issue permits or entitlements supported by exemption determinations shall take steps as they determine appropriate to advise applicants seeking permits, licenses, or other entitlements for use of the ~~*30*~~*15*-day appeal period for the exemption determination.

(B) For all projects not covered by Section (A):

(i) If the Approval Action is taken following a noticed public hearing as provided for in Section 31.08(f) of this Chapter, the appeal of an exemption determination shall be filed after the Planning Department issues the exemption determination and within ~~*30*~~ *15* days after the Date of the Approval Action.

(ii) If the Approval Action is taken without a noticed public hearing as provided for in Section 31.08(f) of this Chapter, the appeal of an exemption determination shall be filed after the Planning Department issues the exemption determination and within ~~*30*~~ *15* days after the first date the Planning Department posts on the Planning Department's website a notice as provided in Section 31.08(g) of this Chapter.

(C) As to an exemption determination for a project for which no City entity posted the exemption determination on the City's website or otherwise provided public notice of the exemption determination under this Chapter 31, an appeal may be filed within ~~*30*~~ *15* days following the appellant's discovery of the exemption determination.

* * * *

~~***SEC. 31.19. EVALUATION OF MODIFIED PROJECTS.***~~

~~*(a) After evaluation of a proposed project has been completed pursuant to this Chapter, a substantial modification of the project may require reevaluation of the proposed project.*~~

~~*(b) When the Environmental Review Officer determines that a change in an exempt project is a substantial modification as defined in Section 31.08(i), the Environmental Review Officer shall make a new CEQA decision as provided in this Chapter.*~~

~~*(1) If the Environmental Review Officer again determines that the project as modified is exempt, the Environmental Review Officer shall make a new exemption determination in accordance with the applicable provisions of Section 31.08(e).*~~

~~*(2) If the Environmental Review Officer determines that the modified project is not exempt, an initial study shall be conducted as provided in this Chapter.*~~

~~*(3) The Planning Department may issue guidance to other City departments in determining the type of project modification that might occur after an Approval Action that would require additional CEQA review. The guidance may also advise on the process and considerations that the Planning Department would use in such cases to determine whether to issue a new exemption determination or undertake further environmental review.*~~

~~*(c) Where such a modification occurs as to a project for which a negative declaration has been adopted or a final EIR has been certified, the Environmental Review Officer shall reevaluate the*~~

~~*proposed project in relation to such modification., and shall determine whether additional environmental review is required by this Chapter and CEQA.*~~

~~*(1) If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefor shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter. Notice of any such written determination and the reasons therefor shall be posted in the Planning Department, and shall be mailed to the applicant, the board, commission or department that will carry out or approve the project, to any individual or organization that has commented on the environmental document, and to any other individual or organization requesting such notice in writing.*~~

~~*(2) If, on the basis of such reevaluation, the Environmental Review Officer determines that additional environmental review is necessary, the project shall be considered a new project for purposes of environmental review pursuant to this Chapter. In that event, a new evaluation shall be completed prior to the decision by the City as to whether to carry out or approve the project as modified. CEQA sets forth specific requirements for the determination of whether a supplemental or subsequent EIR is necessary, as well as the process therefor.*~~

SEC. 31.~~*20*~~*19*. MULTIPLE ACTIONS ON PROJECTS.

* * * *

ARTICLE IV: FEES

SEC. 31.~~*21*~~*20*. ALLOCATION OF COSTS.

* * * *

SEC. 31.~~*22*~~*21*. FEES.

(a) **Authorization of Fees.** The Planning Department shall charge fees to compensate the Department for the cost of performing the activities and providing the

services described in Chapter 31 of this Code. Notwithstanding the procedures set forth in this Section 31.~~2221~~, the Board of Supervisors may modify the fees by ordinance at any time.

* * * *

SEC. 31.~~2322~~. OTHER FEES.

* * * *

(h) Deferred or Reduced Fee.

* * * *

(2) An exemption from paying the full fees for an appeal of an environmental determination to the Planning Commission or Board of Supervisors may be granted when the requestor's income is not enough to pay the fee without affecting ~~*his or her*~~ *the requestor's* ability to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Director of Planning or ~~*his/her*~~ *the Director's* designee that he or she is would be substantially affected by the proposed project.

* * * *

SEC. 31.~~23.122~~*.1*. COMMUNITY PLAN FEES.

(a) The Planning Department shall charge Community Plan Fees for environmental applications filed in adopted Plan Areas ~~*effective after July 1, 2005. The fee amounts shall be as stated in Section 4 of Ordinance No. 149-16, as amended by Ordinance No. _____, in Board of Supervisors File No. 250888*~~, as stated in Section 31.~~2221~~(b) of this Code, and adjusted annually in accordance with the procedure established under Section 31.~~2221~~(c).

* * * *

(c) Except as provided in Subsection (d) below for projects in the Transit Center District area, if at the time of Community Plan adoption, a project application undergoing

review required amendments for height or bulk districts or General Plan amendments and now complies with the Community Plan Zoning, the applicant may choose to pay either the fees specified in Section 31.~~2221~~*2221* or Section 31.~~2322~~*2322*.1. For projects that paid fees under Section 31.~~2221~~*2221* and opt to pay fees under Section 31.~~2322~~*2322*.1, the applicant shall withdraw the application filed under Section 31.~~2221~~*2221* and file a new application. Applicants that file a new application and pay the Section 31.~~2322~~*2322*.1 fees shall be entitled to a refund under Section 31.~~2221~~*2221*(f).

(d) Projects in the Transit Center District area that require amendments for height or bulk district or General Plan amendments at the time of project application shall pay the fees specified in Subsection (b) above and the fees for projects determined not to qualify for a Community exemption or exclusion. For projects that paid fees under Section 31.~~2221~~*2221*, the applicant shall pay the difference between Section 31.~~2221~~*2221* fees and the fees specified in this Subsection (d).

ARTICLE V: SEVERABILITY

SEC. 31.~~2423~~*2423*. SEVERABILITY.

* * * *

(c) This Section 31.~~2423~~*2423* shall apply to this Chapter 31 as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

Section 4. Article 4 of the Planning Code is hereby amended by revising Section 415.6, to read as follows:

SEC. 415.6. ON-SITE AFFORDABLE HOUSING ALTERNATIVE.

* * * *

(j) **Benefits**. If the project sponsor elects to satisfy the affordable housing

requirements through the production of on-site affordable housing in this Section 415.6, the project sponsor shall be eligible to receive a refund for only that portion of the housing project which is affordable for the following fees: a Conditional Use authorization or other fee required by Section 352 of this Code, if applicable; an environmental review fee required by Administrative Code Section 31.~~22~~*21*, if applicable; a building permit fee required by Section 355 of this Code for the portion of the housing project that is affordable. The project sponsor shall pay the building fee for the portion of the project that is market-rate. An application for a refund must be made within six months from the issuance of the first certificate of occupancy.

Section 5. Operative Dates of Prior Legislation.

Ordinance Nos. 161-13 (Board File No. 121019) and 181-13 (Board File No. 130464) were enacted by the City in July and August 2013, respectively. Both ordinances contained operative dates described as the later date of September 1, 2013, or five days after the Secretary of the Planning Commission provides a memorandum to the Clerk of the Board of Supervisors advising that the Planning Commission has held a public hearing on the Planning Department's updated website including specified CEQA information. After the ordinance became operative, the City Attorney directed the Publisher to update the affected published code provisions. The Editor's Notes reflecting the operative dates and publication that appear at the end of existing sections 31.05, 31.08, and 31.20 can be removed, as they are now outdated.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 7. Effective Date. This ordinance shall become effective on the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: Andrea Ruiz-Esquide
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

4909-7242-2075, v. 2

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 260539 **Date Passed:** October 20, 2026

Ordinance amending the Administrative Code to simplify and streamline procedures for local compliance with the California Environmental Quality Act (CEQA), including removing shadow analysis as a specific type of environmental impact, reducing the time to appeal CEQA determinations to the Board of Supervisors from 30 to 15 days, and removing some procedures for environmental documents that are not required by CEQA; to implement recent changes in state law regarding the timing of compliance with CEQA; and affirming the Planning Department's determination under CEQA.

September 28, 2026 Land Use and Transportation Committee - DUPLICATED

September 28, 2026 Land Use and Transportation Committee - RECOMMENDED

October 06, 2026 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong
Noes: 1 - Chan

October 20, 2026 Board of Supervisors - FINALLY PASSED

Ayes: 8 - Dorsey, Fielder, Mahmood, Mandelman, Sauter, Sherrill, Walton and Wong
Noes: 1 - Chan
Excused: 2 - Chen and Melgar

File No. 260539

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/20/2026 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Daniel Lurie
Mayor

10/23/2026

Date Approved