

Memo: Highlights of Supervisor Kim's CEQA Legislation

April 21, 2013

The California Environmental Quality Act (CEQA) – we love it and we hate it. We love it because it allows us to review each project to make sure it doesn't have negative impacts to our environment and our community. We hate it because sometimes people use it to stop important projects that our City needs. In 2003, the State passed down a mandate that project appeals must be heard by "the elected body" locally. Unfortunately, the mandate came without a clear process, and to that end Supervisor Jane Kim has crafted legislation that finally gives hard deadlines on both the front and back end of the process. As an elected representative entrusted with protecting the best interests of the community, she has taken seriously the mandate for the legislative body to carefully review environmental appeals while strengthening this important tool in the community toolbox.

Though her collection of amendments is largely similar to Supervisor Wiener's, there are some stark differences that make her legislation stronger. Her changes will help make our local process more consistent with other cities throughout the State and reduce bureaucracy while preserving the integrity of the City's environmental review.

A glossary of CEQA determinations referenced throughout the legislation:

Exemption	Given to smaller projects that typically do not have a significant impact on the environment, ~5,000 projects/year
Negative Declaration	An initial study required of mid-sized projects showing the project has no significant impact on the environment or providing mitigation if it does, ~15-30 projects/year
Environmental Impact Report	A report required of large projects to review its (1) significant environmental impacts, (2) possible ways to minimize significant effects and (3) reasonable alternatives to the project that accomplish the same intentions, ~10-15 projects/year

The following are **three major ways** that Supervisor Kim's amendments will improve the CEQA process:

1) Establish An Appeal Deadline For Exemptions And Negative Declarations

The current CEQA law has no established deadline to file an appeal for projects that receive an exemption or negative declaration. As a result appeals can be filed years after a CEQA determination is made, sometimes even after construction has begun. Supervisor Kim's legislation introduces a 30-day limit to appeals on these types of projects, protecting the right to appeal but also protecting the City and small-time remodelers.

2) Improve Transparency Of Approvals Process

In order for neighbors and community groups to adequately respond with a 30-day appeal window, posting and notification will need to be improved so that people know when their 30 days begin. A more transparent process is cornerstone to Supervisor Kim's amendments. To start, noticing requirements are expanded to cover demolitions, historic and potentially historic buildings. Projects on public park land – the town squares that are the heart of our communities - would also require noticing.

For exempted projects that require multiple permits, a description of such permits is required so that interested parties can have a complete understanding of the project's scope of work.

And for all projects, even those that are not noticed (roughly 80% of all projects approved in San Francisco) but are instead currently posted online, Supervisor Kim's legislation introduces a new searchable tool that will allow users to receive emails related to exemptions made on a specific project, park or neighborhood.

In the age of open data, having government approvals be easily searchable online should be obligatory.

3) Implement Easy Appeal Process

Supervisor Kim's legislation simplifies the appeal process for the project sponsors and for San Francisco residents. There is widespread agreement that a 30-day appeal window is appropriate for CEQA appeals, but there is less agreement on when this appeal window should start – specifically in regards to exemptions, the vast majority of which are not noticed. Should the appeal window start when the Planning Department issues an exemption or when that exemption is used to get a building permit? And if neither is noticed, is it fair to have an appeal window start without people knowing it has started?

Supervisor Kim's amendments will allow appeals to be filed from a finalized CEQA determination through 30 days after the last approval, e.g. a building permit, is issued. This way, appellants can file their appeal and move on with their lives, rather than having to monitor the permitting process to understand when an appeal window begins or ends. Such an approach is beneficial for SF residents but is also beneficial to builders, who may get an early understanding of an appellant's concerns.

With her amendments, Supervisor Kim aims to improve the process for the following communities:

Bike/Pedestrians Advocates	by establishing a hard fast deadline to appeal projects
Historic Preservation	by expanding noticing requirements for potentially historic buildings and expanding the Historic Preservation Commission's ability to opine
Park Advocates	by expanding noticing requirements for park projects
Environmental Groups	by upholding the integrity of the environmental review process

Join us in supporting Supervisor Kim's CEQA amendments – a balanced approach to improving CEQA.