

1 [Affirming the Approval of a Final Mitigated Negative Declaration - Proposed Project at 3516
2 and 3526 Folsom Street]

3 **Motion affirming the approval by the Planning Commission of a Final Mitigated**
4 **Negative Declaration under the California Environmental Quality Act, for a proposed**
5 **project at 3516 and 3526 Folsom Street.**

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7 WHEREAS, The Planning Commission approved a final mitigated negative declaration
8 (FMND) under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and
9 San Francisco Administrative Code Chapter 31 for a proposed project located at 3516 and
10 3526 Folsom Street ("Project"); and

11 WHEREAS, The proposed Project involves the construction of two single-family
12 residences on two vacant lots along the west side of the unimproved portion of Folsom Street,
13 the construction of the connecting segment of Folsom Street to provide vehicle and pedestrian
14 access to the Project site, and the construction of a stairway between Folsom Street and
15 Bernal Heights Boulevard; and

16 WHEREAS, Each single-family home would be 27 feet tall, two stories over-garage
17 with two off-street vehicle parking spaces accessed from a twelve-foot-wide garage door; and

18 WHEREAS, The Planning Department published a Preliminary Mitigated Negative
19 Declaration ("PMND") for the proposed Project on April 26, 2017; and

20 WHEREAS, On May 16, 2017, Kathy Angus, for the Bernal Heights South Slope
21 Organization, filed an appeal of the Planning Department's decision to issue the PMND; and

22 WHEREAS, On June 15, 2017, the Planning Commission held a publically-noticed
23 hearing on the PMND, denied the appeal, and finalized the PMND ("FMND") by Motion No.
24 19945; and

1 WHEREAS, On June 15, 2017, the Planning Commission declined to take
2 discretionary review of the proposed Project, and approved the Project as proposed; and

3 WHEREAS, On July 17, 2017, Ryan Patterson of Zacks, Freeman and Patterson, on
4 behalf of Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against
5 the Upper Folsom Street Extension, Gail Newman and Ann Lockett (“Appellants”) filed a letter
6 appealing the FMND; and

7 WHEREAS, The Planning Department’s Environmental Review Officer, by
8 memorandum to the Clerk of the Board dated July 24, 2017, determined that the appeal was
9 timely; and

10 WHEREAS, On September 12, 2017, this Board held a duly noticed public hearing to
11 consider the appeal of the FMND filed by Appellants and, following the public hearing,
12 affirmed the Planning Commission’s approval of the FMND; and

13 WHEREAS, In reviewing the appeal of the FMND, this Board reviewed and considered
14 the FMND, the appeal letter, the responses to concerns document that the Planning
15 Department prepared, the other written records before the Board of Supervisors, and all of the
16 public testimony made in support of and opposed to the FMND appeal; and

17 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
18 affirmed the Planning Commission’s approval of the FMND for the Project based on the
19 written record before the Board of Supervisors as well as all of the testimony at the public
20 hearing in support of and opposed to the appeal; and

21 WHEREAS, The written record and oral testimony in support of and opposed to the
22 appeal and deliberation of the oral and written testimony at the public hearing before the
23 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
24 the FMND is in the Clerk of the Board of Supervisors File No. 170851 and is incorporated in
25 this motion as though set forth in its entirety; now therefore be it

1 MOVED, That the Board of Supervisors of the City and County of San Francisco
2 hereby adopts as its own and incorporates by reference in this motion, as though fully set
3 forth, the FMND; and be it

4 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
5 record before it there are no substantial project changes, no substantial changes in project
6 circumstances, and no new information of substantial importance that would change the
7 conclusions set forth in the FMND; and be it

8 FURTHER MOVED, That after carefully considering the appeal of the FMND, including
9 the written information submitted to the Board of Supervisors and the public testimony
10 presented to the Board of Supervisors at the hearing on the FMND, this Board concludes that
11 the Project qualifies for a FMND and that no fair argument supported by substantial evidence
12 in the record has been presented that the Project as proposed would result in any significant
13 impact on the environment.

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