

1 [Affirming the Exemption Determination - Department of Public Health - Local Oversight
2 Program Site No. 12076 Investigation/Remediation Project - 1776 Green Street]

3 **Motion affirming the determination by the Planning Department that the proposed**
4 **Department of Public Health - Local Oversight Program Site No. 12076**
5 **Investigation/Remediation project located beneath the sidewalk in front of 1776 Green**
6 **Street is exempt from further environmental review.**

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8 WHEREAS, On June 16, 2020, the Planning Department issued a CEQA Common
9 Sense Exemption Determination for the proposed Local Oversight Program Site No. 12076
10 Investigation/Remediation project located beneath the sidewalk in front of 1776 Green Street
11 (“Project”) under the California Environmental Quality Act (“CEQA”), the CEQA Guidelines,
12 and San Francisco Administrative Code, Chapter 31; and

13 WHEREAS, The Project work is in the public right-of-way in front of 1776 Green Street
14 – specifically, beneath the sidewalk along the 1776 Green Street property, between Octavia
15 and Gough Street; and

16 WHEREAS, The Project would implement the workplan approved by the San Francisco
17 Department of Public Health (“SFDPH”) on February 3, 2020, to address conditions at Local
18 Oversight Program (“LOP”) site number 12076, following closure of four underground storage
19 tanks in 1987 and removal of the tanks in 2016; and

20 WHEREAS, The Project would include boring and monitoring activities conducted
21 under the supervision of SFDPH and implemented with the onsite presence of a certified
22 California Professional Geologist; and

23 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
24 (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15061(b)(3)), issued a
25 common sense exemption for the Project on June 16, 2020, finding that the Project is exempt

1 from CEQA under CEQA Guidelines section 15061(b)(3), which exempts from CEQA projects
2 where there is no possibility that the activity in question may have a significant effect on the
3 environment; and

4 WHEREAS, On July 9, 2020, San Francisco Public Works approved both a
5 Boring/Monitoring Well Permit and a Temporary Occupancy Permit for the Project; and

6 WHEREAS, On June 17, 2020, and again on July 17, 2020, Richard Drury, on behalf of
7 The Hollow Revolution (“Appellant”) filed an appeal of the Planning Department’s June 16,
8 2020 issuance of an exemption from CEQA for the Project; and

9 WHEREAS, By memorandum to the Clerk of the Board dated August 11, 2020, the
10 Planning Department’s Environmental Review Officer determined that the June 17, 2020
11 appeal was unripe for review, and the July 17, 2020 appeal was timely filed; and

12 WHEREAS, On December 15, 2020, this Board held a duly noticed public hearing to
13 consider the July 17, 2020 appeal of the exemption determination filed by Appellant; and

14 WHEREAS, In reviewing the appeal of the exemption determination, this Board
15 reviewed and considered the June 16, 2020, exemption determination, the July 17, 2020,
16 appeal letter, the responses to the appeal documents that the Planning Department prepared,
17 the other written records before the Board of Supervisors and all of the public testimony made
18 in support of and opposed to the exemption determination appeal; and

19 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
20 affirmed the exemption determination for the Project based on the written record before the
21 Board of Supervisors as well as all of the testimony at the public hearing in support of and
22 opposed to the appeal; and

23 WHEREAS, The written record and oral testimony in support of and opposed to the
24 appeal and deliberation of the oral and written testimony at the public hearing before the
25 Board of Supervisors by all parties and the public in support of and opposed to the appeal of

1 the exemption determination is on file with the Clerk of the Board of Supervisors in File No.
2 200908 and is incorporated in this motion as though set forth in its entirety; now, therefore, be
3 it

4 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
5 reference in this motion, as though fully set forth, the June 16, 2020, exemption determination;
6 and, be it

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

12 FURTHER MOVED, That after carefully considering the appeal of the exemption
13 determination, including the written information submitted to the Board of Supervisors and the
14 public testimony presented to the Board of Supervisors at the hearing on the exemption
15 determination, this Board concludes that the Project qualifies for an exemption determination
16 under CEQA.

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