

1 [Conditionally Reversing the Categorical Exemption Determination - Proposed Project at
2 3516-3526 Folsom Street]

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3 **Motion conditionally reversing the determination by the Planning Department that a**
4 **proposed project at 3516-3526 Folsom Street is categorically exempt from further**
5 **environmental review, subject to the adoption of written findings of the Board in**
6 **support of this determination.**

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8 WHEREAS, On March 26, 2014, the Planning Department determined that the
9 proposed project located at 3516-3526 Folsom Street ("Project") is exempt from
10 environmental review under the California Environmental Quality Act ("CEQA"), the CEQA
11 Guidelines, and San Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The proposed project involves construction of two single-family residences
13 on two vacant lots and construction of a currently unimproved segment of Folsom Street to
14 provide vehicle and pedestrian access to the project site; and

15 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
16 November 14, 2016, Ryan J Patterson of Zacks, Freedman, and Patterson PC, on behalf of
17 Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against the
18 Upper Folsom Street Extension, Gail Newman and Marilyn Waterman, (Appellants), appealed
19 the exemption determination; and

20 WHEREAS, Appellants provided a copy of the Planning Department's Categorical
21 Exemption Determination, signed July 8, 2014, which found that the proposed project was
22 exempt under Class 3 of the CEQA Guidelines (14 Cal. Code Reg. Section 15303(a)) as new
23 construction and conversion of small structures, and a copy of the Planning Commission's
24 Discretionary Review Action Memorandum, dated October 13, 2016; and

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1 WHEREAS, The Planning Department had previously issued a Categorical Exemption
2 Determination for the proposed project on March 26, 2014, but had subsequently rescinded
3 that document and issued a revised Categorical Exemption Determination on July 8, 2016;
4 and

5 WHEREAS, The Planning Department's Environmental Review Officer, by
6 memorandum to the Clerk of the Board dated November 18, 2016, determined that the appeal
7 was timely because the Planning Commission approved the proposed project by not taking
8 Discretionary Review and approving the project as proposed on October 13, 2016; and

9 WHEREAS, On January 24, 2017, this Board held a duly noticed public hearing to
10 consider the appeal of the exemption determination filed by Appellants and, following the
11 public hearing, conditionally reversed the exemption determination subject to the adoption of
12 written findings in support of such determination; and

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

18 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
19 conditionally reversed the exemption determination subject to the adoption of written findings
20 of the Board in support of such determination based on the written record before the Board of
21 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
22 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 in the Clerk of the Board of Supervisors File No. 161278 and is
2 incorporated in this motion as though set forth in its entirety; now, therefore, be it

3 MOVED, That this Board of Supervisors conditionally reverses the determination by the
4 Planning Department that the project is exempt from environmental review, subject to the
5 adoption of written findings of the Board in support of this determination.

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