

File No. 160678

Committee Item No. _____

Board Item No. 68

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 19, 2016

Cmte Board

- Motion
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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Prepared by: John Carroll

Date: July 14, 2016

Prepared by: _____

Date: _____

1 [Reversing the Categorical Exemption Determination - 3516-3526 Folsom Street]

2
3 **Motion reversing the determination by the Planning Department that a proposed**
4 **project at 3516-3526 Folsom Street is categorically exempt from environmental review.**
5

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

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

13 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on June
14 3, 2016, Ryan J Patterson of Zacks, Freedman, and Patterson PC, on behalf of Bernal
15 Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against the Upper
16 Folsom Street Extension, Marcus Ryu, and Ann Lockett, (Appellants), appealed the
17 exemption determination; and

18 WHEREAS, The Appellants provided a copy of the Planning Department's Categorical
19 Exemption Determination, signed March 26, 2014, which found that the proposed project was
20 exempt under Class 3 of the CEQA Guidelines (14 Cal. Code Reg. Section 15303(a)); and

21 WHEREAS, The Planning Department's Environmental Review Officer, by
22 memorandum to the Clerk of the Board dated June 8, 2016, determined that the was timely
23 because the Planning Commission approved the proposed project by not taking Discretionary
24 Review and approving the project as proposed on May 5, 2016; and
25

1 WHEREAS, On July 19, 2016, this Board held a duly noticed public hearing to consider
2 the appeal of the exemption determination filed by Appellants and, following the public
3 hearing, reversed the exemption determination; and

4 WHEREAS, In reviewing the appeal of the exemption determination, this Board
5 reviewed and considered the exemption determination, the appeal letter, the responses to the
6 appeal documents that the Planning Department prepared, the other written records before
7 the Board of Supervisors and all of the public testimony made in support of and opposed to
8 the exemption determination appeal; and

9 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
10 reversed the exemption determination for the project based on the written record before the
11 Board of Supervisors as well as all of the testimony at the public hearing in support of and
12 opposed to the appeal; and

13 WHEREAS, The written record and oral testimony in support of and opposed to the
14 appeal and deliberation of the oral and written testimony at the public hearing before the
15 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
16 the exemption determination is in the Clerk of the Board of Supervisors File No. 160676 and is
17 incorporated in this motion as though set forth in its entirety; now, therefore, be it

18 MOVED, That this Board of Supervisors reverses the determination by the Planning
19 Department that the project is exempt from environmental review.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Reversing the Categorical Exemption Determination - 3516 and 3526 Folsom Street

The text is listed below or attached:

Motion reversing the determination by the Planning Department that a proposed project at 3516 and 3526 Folsom Street is categorically exempt from environmental review.

Signature of Sponsoring Supervisor: Alisa Bernal

For Clerk's Use Only:

for