

File No. 200910

Committee Item No. _____

Board Item No. 38

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 8, 2020

Cmte Board

- Motion
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- Grant Information Form
- Grant Budget
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- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: November 25, 2020

Prepared by: Lisa Lew

Date: December 4, 2020

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

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed 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, subject to the adoption of written**
7 **findings of the Board in support of this determination.**

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

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

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

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

24 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
25 (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15061(b)(3)), issued a

1 common sense exemption for the Project on June 16, 2020, finding that the Project is exempt
2 from CEQA under CEQA Guidelines section 15061(b)(3), which exempts from CEQA projects
3 where there is no possibility that the activity in question may have a significant effect on the
4 environment; and

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

7 WHEREAS, On June 17, 2020, and again on July 17, 2020, Richard Drury, on behalf of
8 The Hollow Revolution (“Appellant”) filed an appeal of the Planning Department’s June 16,
9 2020, issuance of an exemption from CEQA for the Project; and

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

13 WHEREAS, On December 8, 2020, this Board held a duly noticed public hearing to
14 consider the July 17, 2020, appeal of the exemption determination filed by Appellant; and

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

20 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
21 conditionally reversed the exemption determination for the Project subject to the adoption of
22 written findings of the Board in support of such determination based on the written record
23 before the Board of Supervisors as well as all of the testimony at the public hearing in support
24 of and opposed to the appeal; and

25

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeal and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
4 the exemption determination is on file with the Clerk of the Board of Supervisors in File No.
5 200908 and is incorporated in this motion as though set forth in its entirety; now, therefore, be
6 it

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

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Introduction Form

By a Member of the Board of Supervisors or 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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only