

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

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4 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
5 **by the Planning Department that the proposed Department of Public Health - Local**
6 **Oversight Program Site No. 12076 Investigation/Remediation project located beneath**
7 **the sidewalk in front of 1776 Green Street, is exempt from further environmental review.**

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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 (“SFPDH”) 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 SFPDH 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 15, 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

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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 directs the Clerk of the Board to prepare the
8 findings specifying the basis for its decision on the appeal of the determination by the
9 Planning Department that the project is exempt from environmental review.

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