

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

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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.**

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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

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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.