

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

3 **Motion affirming the determination by the Planning Department that a proposed project**
4 **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 project involves construction of two single-family residences
11 on two vacant lots and 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
14 November 14, 2016, Ryan J Patterson of Zacks, Freedman, and Patterson PC, on behalf of
15 Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against the
16 Upper Folsom Street Extension, Gail Newman and Marilyn Waterman, (Appellants), appealed
17 the exemption determination; and

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

23 WHEREAS, The Planning Department had previously issued a Categorical Exemption
24 Determination for the proposed project on March 26, 2014, but had subsequently rescinded
25

1 that document and issued a revised Categorical Exemption Determination on July 8, 2016;
2 and

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

7 WHEREAS, On January 24, 2017, this Board held a duly noticed public hearing to
8 consider the appeal of the exemption determination filed by Appellants and, following the
9 public hearing, affirmed the exemption determination; and

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

15 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
16 affirmed the exemption determination for the project based on the written record before the
17 Board of Supervisors as well as all of the testimony at the public hearing in support of and
18 opposed to the appeal; and

19 WHEREAS, The written record and oral testimony in support of and opposed to the
20 appeal and deliberation of the oral and written testimony at the public hearing before the
21 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
22 the exemption determination is in the Clerk of the Board of Supervisors File No. 161278 and is
23 incorporated in this motion as though set forth in its entirety; now, therefore, be it

24 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
25 reference in this motion, as though fully set forth, the exemption determination; and, be it

1 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
2 record before it there are no substantial project changes, no substantial changes in project
3 circumstances, and no new information of substantial importance that would change the
4 conclusions set forth in the exemption determination by the Planning Department that the
5 proposed project is exempt from environmental review; and, be it

6 FURTHER MOVED, That after carefully considering the appeal of the exemption
7 determination, including the written information submitted to the Board of Supervisors and the
8 public testimony presented to the Board of Supervisors at the hearing on the exemption
9 determination, this Board concludes that the project qualifies for an exemption determination
10 under CEQA.