

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed
2 Project at 3516-3526 Folsom Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that a proposed project at 3516-3526 Folsom Street is**
5 **categorically exempt from further environmental review.**

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

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

14 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
15 November 14, 2016, Ryan J Patterson of Zacks, Freedman, and Patterson PC, on behalf of
16 Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against the
17 Upper Folsom Street Extension, Gail Newman and Marilyn Waterman, (Appellants), appealed
18 the exemption determination; and

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

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25 Determination for the proposed project on March 26, 2014, but had subsequently rescinded

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, reversed the exemption determination subject to the adoption of written
10 findings in support of such determination; and

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

16 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
17 conditionally reversed the exemption determination for the project subject to the adoption of
18 written findings of the Board in support of such determination based on the written record
19 before the Board of Supervisors as well as all of the testimony at the public hearing in support
20 of and opposed to the appeal; and

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

1 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
2 findings specifying the basis for its decision on the appeal of the exemption determination
3 issued by the Planning Department for the project.

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