File No. <u>161279</u>

Committee Item No. _____ Board Item No. 45

COMMITTEE/BOARD OF SUPERVISORS

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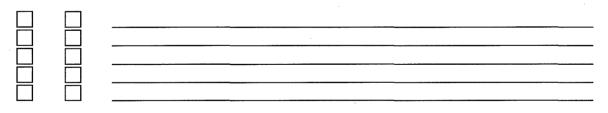
Committee: _____ Board of Supervisors Meeting Date: ____

Date: December 13, 2016

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Prepared by:	Brent Jalipa	Date:	<u>December 8, 2016</u>
Prepared by:		Date:	

FILE NO. 161279

MOTION NO.

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

Motion affirming the determination by the Planning Department that a proposed project at 3516-3526 Folsom Street is categorically exempt from environmental review.

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

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

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

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

WHEREAS, The Planning Department had previously issued a Categorical Exemption Determination for the proposed project on March 26, 2014, but had subsequently rescinded that document and issued a revised Categorical Exemption Determination on July 8, 2016; and

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

WHEREAS, On December 13, 2016, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellants and, following the public hearing, affirmed the exemption determination; and

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

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

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

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

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

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

Clerk of the Board BOARD OF SUPERVISORS

Print Form					
Introduction Form					
By a Member of the Board of Supervisors or the Mayor					
I hereby submit the following item for introduction (select only one):	Time stamp or meeting date				
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	inquires"				
5. City Attorney request.					
6. Call File No. from Committee.					
7. Budget Analyst request (attach written motion).					
8. Substitute Legislation File No.					
9. Reactivate File No.					
10. Question(s) 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 Comm					
Planning Commission Building Inspection Commission					
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form. Sponsor(s):					
Clerk of the Board					
·					
Subject:	aat				
Affirming the Categorical Exemption Determination - Proposed Project at 3516-3526 Folsom Str					
The text is listed below or attached:					
Motion affirming the determination by the Planning Department that a proposed project at 3516-3 is categorically exempt from further environmental review.	3526 Folsom Street				
Signature of Sponsoring Supervisor: Alisa omera					
For Clerk's Use Only.					

For Clerk's Use Only: File No. 161279