

File No. 161279

Committee Item No. \_\_\_\_\_

Board Item No. 37.

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: January 24, 2017

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                          |       |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Brent Jalipa

Date: January 19, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

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.**

5  
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.

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 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 Commission
- 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:**

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

**The text is listed below or attached:**

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

Signature of Sponsoring Supervisor: *Alisa Gomez*

**For Clerk's Use Only:**

*File No. 161279*