

1 [Conditionally Reversing the Approval of a Final Mitigated Negative Declaration - Proposed
2 Project at 3516 and 3526 Folsom Street]

3 **Motion conditionally reversing the approval by the Planning Commission of a Final**
4 **Mitigated Negative Declaration under the California Environmental Quality Act for a**
5 **proposed project at 3516 and 3526 Folsom Street, subject to the adoption of written**
6 **findings of the Board in support of this determination.**

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8 WHEREAS, The Planning Commission approved a final mitigated negative declaration
9 (FMND) under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and
10 San Francisco Administrative Code Chapter 31 for a proposed project located at 3516 and
11 3526 Folsom Street ("Project"); and

12 WHEREAS, The proposed Project involves the construction of two single-family
13 residences on two vacant lots along the west side of the unimproved portion of Folsom Street,
14 the construction of the connecting segment of Folsom Street to provide vehicle and pedestrian
15 access to the Project site, and the construction of a stairway between Folsom Street and
16 Bernal Heights Boulevard; and

17 WHEREAS, Each single-family home would be 27 feet tall, two stories over-garage
18 with two off-street vehicle parking spaces accessed from a twelve-foot-wide garage door; and

19 WHEREAS, The Planning Department published a Preliminary Mitigated Negative
20 Declaration ("PMND") for the proposed Project on April 26, 2017; and

21 WHEREAS, On May 16, 2017, Kathy Angus, for the Bernal Heights South Slope
22 Organization filed an appeal of the Planning Department's decision to issue the PMND; and

23 WHEREAS, On June 15, 2017, the Planning Commission held a publically-noticed
24 hearing on the PMND, denied the appeal, and finalized the PMND ("FMND") by Motion No.
25 19945; and

1 WHEREAS, On June 15, 2017, the Planning Commission declined to take
2 discretionary review of the proposed project, and approved the Project as proposed; and

3 WHEREAS, On July 17, 2017, Ryan Patterson of Zacks, Freeman and Patterson, on
4 behalf of Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against
5 the Upper Folsom Street Extension, Gail Newman and Ann Lockett (“Appellants”) filed a letter
6 appealing the FMND; and

7 WHEREAS, The Planning Department’s Environmental Review Officer, by
8 memorandum to the Clerk of the Board dated July 24, 2017, determined that the appeal was
9 timely; and

10 WHEREAS, On September 12, 2017, this Board held a duly noticed public hearing to
11 consider the appeal of the FMND filed by Appellants and, following the public hearing,
12 conditionally reversed the Planning Commission’s approval of the FMND subject to the
13 adoption of written findings in support of such determination; and

14 WHEREAS, In reviewing the appeal of the FMND, this Board reviewed and considered
15 the FMND, the appeal letter, the responses to concerns document that the Planning
16 Department prepared, the other written records before the Board of Supervisors and all of the
17 public testimony made in support of and opposed to the FMND appeal; and

18 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
19 conditionally reversed the Planning Commission’s approval of the FMND for the Project
20 subject to the adoption of written findings in support of such determination and based on the
21 written record before the Board of Supervisors as well as all of the testimony at the public
22 hearing in support of and opposed to the appeal; and

23 WHEREAS, The written record and oral testimony in support of and opposed to the
24 appeal and deliberation of the oral and written testimony at the public hearing before the
25 Board of Supervisors by all parties and the public in support of and opposed to the appeal of

1 the FMND is in the Clerk of the Board of Supervisors File No. 170851 and is incorporated in
2 this motion as though set forth in its entirety; now therefore be it

3 MOVED, That this Board of Supervisors conditionally reverses the approval by the
4 Planning Commission of the FMND, subject to the adoption of written findings of the Board in
5 support of this determination.

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