

1 [Preparation of Findings to Reverse the Final Mitigated Negative Declaration - 3516 and 3526
2 Folsom Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the approval by**
4 **the Planning Commission of a final mitigated negative declaration under the California**
5 **Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street.**

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

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

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

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

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

22 WHEREAS, On June 15, 2017, the Planning Commission held a publically-noticed
23 hearing on the PMND, denied the appeal, and finalized the PMND ("FMND") by Motion No.
24 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 17th, 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 the Board of Supervisors directs the Clerk of the Board to prepare the
4 findings specifying the basis for its decision on the appeal of the FMND approved by the
5 Planning Commission for the Project.

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