

1 [Affirming the Categorical Exemption Determination - Seawall Lot 330]

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3 **Motion affirming the determination by the Planning Department that the proposed**
4 **Seawall Lot 330, a SAFE Navigation Center Project, is categorically exempt from further**
5 **environmental review.**

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7 WHEREAS, On April 19, 2019, the Planning Department issued a CEQA Categorical
8 Exemption Determination for the proposed project on Seawall Lot 330 for a SAFE Navigation
9 Center ("Project) under the California Environmental Quality Act ("CEQA"), the CEQA
10 Guidelines, and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The Project is located on Seawall Lot 330 and includes installation of a
12 SAFE Navigation Center for up to 200 people and removal of approximately 155 surface
13 parking spaces and installation of two portable structures to serve as dormitories containing
14 up to 200 beds and an additional demountable tensile structure of approximately 6,000 square
15 feet, which includes 1,640 square feet of office space, 2,520 square feet of community and
16 dining space with a pantry room, and 1,840 square feet of additional support space, and
17 installation of additional temporary structures to contain 25 toilets, 6 urinals, and 18 showers,
18 and placement of 12 shipping containers on-site for client storage needs; these temporary
19 structures would be placed to create an approximately 10,000 square-foot outdoor gathering
20 space; and

21 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
22 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
23 issued a categorical exemption for the Project on April 19, 2019, finding that the Project is
24 exempt from the California Environmental Quality Act (CEQA) as a Class 32 categorical
25 exemption, which allows for In-Fill Development Projects, characterized as in-fill development

1 meeting the following conditions outlined in Section 15332: (a) The project is consistent with
2 the applicable general plan designation and all applicable general plan policies as well as with
3 applicable zoning designation and regulations; (b) The proposed development occurs within
4 city limits on a project site of no more than five acres substantially surrounded by urban uses;
5 (c) The project site has no value as habitat for endangered, rare or threatened species; (d)
6 Approval of the project would not result in any significant effects relating to traffic, noise, air
7 quality, or water quality; and (e) The site can be adequately served by all required utilities and
8 public services; and

9 WHEREAS, On April 23, 2019, the Port Commission held a public hearing and
10 approved the Project by approving the Embarcadero Memorandum of Understanding (MOU)
11 between the Department of Homelessness and Supportive Housing (HSH) and the Port of
12 San Francisco (Port); and

13 WHEREAS, On May 22, 2019, Stephen M. Williams, on behalf of the Portside Master
14 Association and Portside Homeowners Association (“Portside Appellant”) filed an appeal with
15 the Office of the Clerk of the Board of Supervisors of the categorical exemption determination
16 for the Project and on May 23, 2019, Peter Prows of Briscoe Ivester & Bazel LLP, on behalf of
17 Safe Embarcadero For All (“SEFA Appellant”) filed an appeal with the Office of the Clerk of
18 the Board of Supervisors of the categorical exemption determination for the Project; and

19 WHEREAS, By memorandum to the Clerk of the Board dated May 28, 2019, the
20 Planning Department’s Environmental Review Officer determined that the appeals were timely
21 filed; and

22 WHEREAS, On June 25, 2019, this Board held a duly noticed public hearing to
23 consider the appeals of the exemption determination filed by Portside Appellant and SEFA
24 Appellant (collectively, “Appellants”); and

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

6 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
7 affirmed the exemption determination for the Project based on the written record before the
8 Board of Supervisors as well as all of the testimony at the public hearing in support of and
9 opposed to the appeals; and

10 WHEREAS, The written record and oral testimony in support of and opposed to the
11 appeals and deliberation of the oral and written testimony at the public hearing before the
12 Board of Supervisors by all parties and the public in support of and opposed to the appeals of
13 the exemption determination is in the Clerk of the Board of Supervisors File No. 190611, and
14 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

15 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
16 reference in this motion, as though fully set forth, the April 19, 2019, exemption determination;
17 and, be it

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

23 FURTHER MOVED, That after carefully considering the appeals of the exemption
24 determination, including the written information submitted to the Board of Supervisors and the
25 public testimony presented to the Board of Supervisors at the hearing on the exemption

1 determination, this Board concludes that the Project qualifies for an exemption determination
2 under CEQA.

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