

File No. 200801

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

Board Item No. 33

## COMMITTEE/BOARD OF SUPERVISORS

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

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

Board of Supervisors Meeting

Date: August 11, 2020

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Prepared by: Lisa Lew

Date: August 7, 2020

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

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

1 [Affirming the Revised Mitigated Negative Declaration - Proposed 3516 and 3526 Folsom  
2 Street Project]

3 **Motion affirming the Revised Mitigated Negative Declaration prepared by the Planning**  
4 **Department under the California Environmental Quality Act for the proposed project**  
5 **located at 3516 and 3526 Folsom Street.**

6  
7 WHEREAS, A Preliminary Mitigated Negative Declaration (“MND”) for the proposed  
8 project located at 3516-3526 Folsom Street (“Project”) was published on April 26, 2017; and

9 WHEREAS, On May 16, 2017, Kathy Angus, on behalf of the Bernal Heights South  
10 Slope Organization, filed a letter appealing the Preliminary MND; and

11 WHEREAS, On June 15, 2017, the Planning Commission held a public hearing on the  
12 merits of the appeal, and affirmed the Environmental Review Officer's decision to issue the  
13 MND pursuant to the California Environmental Quality Act, Public Resources Code, Sections  
14 21000 et seq. (“CEQA”), the CEQA Guidelines, 14 Cal. Code of Reg., Sections 15000 et seq.,  
15 and Chapter 31 of the San Francisco Administrative Code, finding that the Project could not  
16 have a significant impact on the environment; and

17 WHEREAS, On July 17, 2017, Ryan Patterson of Zacks, Freeman and Patterson, on  
18 behalf of Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against  
19 the Upper Folsom Street Extension, Gail Newman and Ann Lockett filed a letter appealing the  
20 MND; and

21 WHEREAS, That appeal was heard by the Board of Supervisors (“Board”) on  
22 September 12, 2017, and at the conclusion of that hearing the Board adopted two motions:  
23 Motion No. M17-130, conditionally reversing the approval of the MND for the Project, subject  
24 to the adoption of written findings of the Board in support of this determination, and Motion  
25

1 M17-131, directing the Clerk of the Board to prepare findings reversing the approval by the  
2 Planning Commission of the MND for the Project; and

3 WHEREAS, On September 26, 2017, the Board adopted Motion No. M17-152,  
4 reversing the approval by the Planning Commission of the MND for the Project, and  
5 requesting that the Planning Department undertake further analysis with respect to the  
6 potential vibration impacts of Project construction on PG&E Pipeline 109 - specifically,  
7 whether such impacts could create a risk to public safety; and

8 WHEREAS, Also in Motion No. M17-152, the Board instructed the Planning  
9 Department to prepare a Vibration Management Plan for the Project prior to the issuance of  
10 the revised environmental review document, and a site-specific Emergency Response and  
11 Evacuation Plan to ensure adequate access for emergency response and the ability for a safe  
12 and timely evacuation of the site; and

13 WHEREAS, The Board also found, in Motion No. M17-152, that as to all other issues,  
14 the MND conformed to the requirements of CEQA and was adequate, accurate, and objective;  
15 that the record did not include substantial evidence to support a fair argument that the Project  
16 may have a significant effect on the environment, and no further analysis is required; and

17 WHEREAS, On March 25, 2020, the Planning Department issued a Revised MND,  
18 responding to Motion No. M17-152; and

19 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on April  
20 24, 2020, Kathy Angus, on behalf of the Bernal Heights South Slope Organization  
21 ("Appellant"), appealed the Revised MND; and

22 WHEREAS, The Planning Department's Environmental Review Officer, by  
23 memorandum to the Clerk of the Board dated July 27, 2020, determined that the appeal had  
24 been timely filed; and

25

1           WHEREAS, On August 11, 2020, this Board held a duly noticed public hearing to  
2 consider the appeal of the Revised MND filed by Appellant; and

3           WHEREAS, The project site consists of two vacant lots located on the west side of the  
4 unimproved (“paper street”) segment of Folsom Street, between Chapman Street and Bernal  
5 Heights Boulevard, in the Bernal Heights neighborhood; and

6           WHEREAS, The Project involves the construction of two single-family residences on  
7 these two vacant lots, along the west side of the unimproved portion of Folsom Street; the  
8 construction of the connecting segment of Folsom Street to provide vehicle and pedestrian  
9 access to the project site; and the construction of a stairway between Folsom Street and  
10 Bernal Heights Boulevard; each single-family home would be 27 feet tall, two stories over-  
11 garage with one off-street vehicle parking spaces accessed from a twelve-foot-wide garage  
12 door; the 3516 Folsom Street building would be approximately 2,551 square feet of gross  
13 living space; the 3526 Folsom Street building would be approximately 2,384 square feet of  
14 gross living space; and

15           WHEREAS, In reviewing the appeal of the Revised MND, the Board reviewed and  
16 considered the environmental determination, the appeal letter, the responses to the appeal  
17 documents that the Planning Department and the project sponsor prepared, the other written  
18 records before the Board of Supervisors and all of the public testimony made in support of  
19 and opposed to the appeal; and

20           WHEREAS, The written record and oral testimony in support of and opposed to the  
21 appeal and deliberation of the oral and written testimony at the public hearing before the  
22 Board by all parties and the public in support of and opposed to the appeal of the Revised  
23 MND is in the Clerk of the Board of Supervisors File No. 200800 and is incorporated in this  
24 motion as though set forth in its entirety; now, therefore, be it  
25

1            MOVED, That the Board of Supervisors of the City and County of San Francisco  
2 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
3 forth, the Revised MND; and, be it

4            FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
5 record before it there are no substantial Project changes, no substantial changes in Project  
6 circumstances, and no new information of substantial importance that would change the  
7 conclusions set forth in the Revised MND; and, be it

8            FURTHER MOVED, That after carefully considering the appeal of the Revised MND,  
9 including the written information submitted to the Board of Supervisors and the public  
10 testimony presented to the Board of Supervisors at the hearing on the Revised MND, this  
11 Board concludes that the Project qualifies for a MND and that no fair argument supported by  
12 substantial evidence in the record has been presented that the Project as proposed would  
13 result in any significant impact on the environment.

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# Introduction Form

By a Member of the Board of Supervisors or 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  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only