[Adopting Findings Reversing the Final Mitigated Negative Declaration - 3516 and 3526 Folsom Street]

Motion adopting findings reversing the approval by the Planning Commission of a final mitigated negative declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street.

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

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

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

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

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

WHEREAS, On June 15, 2017, the Planning Commission held a publically-noticed hearing on the PMND, denied the appeal, and finalized the PMND ("FMND") by Motion No. 19945; and
WHEREAS, On June 15, 2017, the Planning Commission declined to take discretionary review of the proposed project, and approved the Project as proposed; and

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

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

WHEREAS, On September 12, 2017, this Board held a duly noticed public hearing to consider the appeal of the FMND filed by Appellants and, following the public hearing, conditionally reversed the Planning Commission's approval of the FMND subject to the adoption of written findings in support of such determination, and requested additional information and analysis be provided; and

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

WHEREAS, The Board finds that the letters and public comment presented in support of and against the appeal, including comment letters presented to the Board on September 11 and 12, 2017, raise important questions regarding how project construction activities could create vibration impacts on PG&E Pipeline No. 109; and

Clerk of the Board
BOARD OF SUPERVISORS
WHEREAS, In light of this new information, the Board has requested that the Planning Department undertake further analysis with respect to the specific issue of the potential vibration impacts of project construction on PG&E Pipeline 109; and

WHEREAS, This Board considered these issues, heard testimony, and shared concerns that further information and analysis was required regarding whether the proposed project would cause construction impacts to PG&E Pipeline No. 109; and

WHEREAS, The written record and oral testimony in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal of the FMND is in the Clerk of the Board of Supervisors File No. 170851 and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

MOVED, That this Board of Supervisors directs the Planning Department to provide additional information and analysis regarding whether the proposed project construction would result in vibration impacts on PG&E Pipeline No. 109 that could create a risk to public safety; and, be it

FURTHER MOVED, In conducting any such additional environmental analysis, the Planning Department shall enlist an independent qualified expert to use all appropriate methods to determine the location, depth and condition of Pipeline No. 109 in the project area and prepare a Vibration Management Plan for the project prior to the issuance of the revised environmental review document; and, be it

FURTHER MOVED, That the Vibration Management Plan shall specify what types of construction equipment may be used at the project and any limitations on the use or storage of such equipment in the project vicinity, the specific roles of the Planning Department, Department of Building Inspection, PG&E and any other necessary party in monitoring and enforcing the recommendations of the Vibration Monitoring Plan, and any appropriate safety
protocols that must be employed during project construction, including communications
between the contractors and PG&E, to reduce the risk of damage to the pipeline; and, be it

FURTHER MOVED, That a site-specific Emergency Response and Evacuation Plan be
prepared to ensure adequate access for emergency response and the ability for a safe and
timely evacuation; and, be it

FURTHER MOVED, That the Vibration Management Plan shall be reviewed and
approved by the Planning Department and PG&E, and the Emergency Response and
Evacuation Plan shall be reviewed and approved by the Fire Department, Planning
Department, and PG&E, prior to issuance of the revised environmental review document; and,
be it

FURTHER MOVED, That the Planning Department shall incorporate any
recommendations of the approved Vibration Management Plan into the mitigation included in
the revised environmental review document; and, be it

FURTHER MOVED, As to all other issues, the Board finds the FMND conforms to the
requirements of CEQA and is adequate, accurate, and objective, the record does not include
substantial evidence to support a fair argument that the project may have a significant effect
on the environment, and no further analysis is required.
Tails

Motion: M17-152

File Number: 171022  Date Passed: September 26, 2017

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September 26, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Sheehy, Tang and Yee
Excused: 1 - Safai

September 26, 2017 Board of Supervisors - APPROVED AS AMENDED
Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Sheehy, Tang and Yee
Excused: 1 - Safai

File No. 171022

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 9/26/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board