

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

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

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

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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**City and County of San Francisco**

**Tails**

**Motion: M19-106**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 190612

**Date Passed:** June 25, 2019

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

June 25, 2019 Board of Supervisors - APPROVED

Ayes: 9 - Brown, Fewer, Haney, Mandelman, Mar, Safai, Stefani, Walton and Yee

Excused: 2 - Peskin and Ronen

File No. 190612

I hereby certify that the foregoing Motion was APPROVED on 6/25/2019 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in cursive script, appearing to read "Angela Calvillo".

*for* Angela Calvillo  
Clerk of the Board