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

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

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

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

WHEREAS, That appeal was heard by the Board of Supervisors ("Board") on September 12, 2017, and at the conclusion of that hearing the Board adopted two motions: Motion No. M17-130, conditionally reversing the approval of the MND for the Project, subject to the adoption of written findings of the Board in support of this determination, and Motion
M17-131, directing the Clerk of the Board to prepare findings reversing the approval by the Planning Commission of the MND for the Project; and

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

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

WHEREAS, The Board also found, in Motion No. M17-152, that as to all other issues, the MND conformed to the requirements of CEQA and was adequate, accurate, and objective; that the record did 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; and

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

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

WHEREAS, The Planning Department's Environmental Review Officer, by memorandum to the Clerk of the Board dated July 27, 2020, determined that the appeal had been timely filed; and
WHEREAS, On September 15, 2020, this Board held a duly noticed public hearing to consider the appeal of the Revised MND filed by Appellant; and

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

WHEREAS, The Project involves the construction of two single-family residences on these 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; each single-family home would be 27 feet tall, two stories over-garage with one off-street vehicle parking spaces accessed from a twelve-foot-wide garage door; the 3516 Folsom Street building would be approximately 2,551 square feet of gross living space; the 3526 Folsom Street building would be approximately 2,384 square feet of gross living space; and

WHEREAS, In reviewing the appeal of the Revised MND, the Board reviewed and considered the environmental determination, the appeal letter, the responses to the appeal documents that the Planning Department and the project sponsor prepared, the other written records before the Board of Supervisors and all of the public testimony made in support of and opposed to the appeal; 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 by all parties and the public in support of and opposed to the appeal of the Revised MND is in the Clerk of the Board of Supervisors File No. 200800 and is incorporated in this motion as though set forth in its entirety; now, therefore, be it
MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference in this motion, as though fully set forth, the Revised MND; and, be it

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

FURTHER MOVED, That after carefully considering the appeal of the Revised MND, including the written information submitted to the Board of Supervisors and the public testimony presented to the Board of Supervisors at the hearing on the Revised MND, this Board concludes that the Project qualifies for a MND and that no fair argument supported by substantial evidence in the record has been presented that the Project as proposed would result in any significant impact on the environment.
File Number: 200801  Date Passed: September 15, 2020

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

August 11, 2020 Board of Supervisors - CONTINUED
Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton and Yee
Excused: 1 - Safai

September 01, 2020 Board of Supervisors - CONTINUED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

September 15, 2020 Board of Supervisors - APPROVED
Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton and Yee
Excused: 1 - Safai

File No. 200801

I hereby certify that the foregoing Motion was APPROVED on 9/15/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board