[Preparation of Findings to Reverse the Final Mitigated Negative Declaration - 3516 and 3526 Folsom Street]

Motion directing the Clerk of the Board to prepare 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 (FMND) under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco 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 17th, 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

WHEREAS, In reviewing the appeal of the FMND, this Board reviewed and considered the FMND, the appeal letter, 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, Following the conclusion of the public hearing, the Board of Supervisors conditionally reversed the Planning Commission's approval of the FMND for the Project subject to the adoption of written findings in support of such determination and based on the written record before the Board of Supervisors as well as all of the testimony at the public hearing 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 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 the Board of Supervisors directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the appeal of the FMND approved by the Planning Commission for the Project.

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## City and County of San Francisco **Tails**

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

Motion: M17-131

File Number:

170854

Date Passed: September 12, 2017

Motion directing the Clerk of the Board to prepare 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.

September 12, 2017 Board of Supervisors - APPROVED

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Sheehy, Tang and

Yee

Excused: 1 - Safai

File No. 170854

I hereby certify that the foregoing Motion was APPROVED on 9/12/2017 by the Board of Supervisors of the City and County of San Francisco.

Clerk of the Board