Amendment of the Whole
in Board – 11/8/11

FILE NO. 111169 MOTION NO. M11-165

[Adopting Findings Reversing the General Rule Exclusion Determination - 1171 Sansome Street]

Motion adopting findings reversing the Planning Department's determination that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review through a general rule exclusion.

WHEREAS, The Planning Department determined that a 2-lot parcel map (the "project") located at 1171 Sansome Street (aka 1111 Sansome Street) was exempt from environmental review under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative Code Chapter 31. The Planning Department on August 16, 2010, issued a General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3)) for the project that determined the project was exempt from environmental review; and,

WHEREAS, By letter to the Clerk of the Board dated August 19, 2011, John M. Sanger, on his behalf and on behalf of Catherine S. Sanger, David Davies, Jack Weeden, and Vedica Puri, appealed the exemption determination; and,

WHEREAS, On October 4, 2011, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellant, and following the public hearing reversed the exemption determination; and,

WHEREAS, In reviewing the appeal of the exemption determination, this Board reviewed and considered the general rule exclusion exemption determination, the appeal letters, 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 exemption determination appeal. Following the conclusion of the public hearing, the Board of Supervisors reversed the exemption determination for the

project 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. 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 exemption determination is in the Clerk of the Board of Supervisors File No. 110945 and is incorporated in this motion as though set forth in its entirety; and,

WHEREAS, CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA under the "common sense" exemption, also referred to as a "General Rule Exclusion" in San Francisco, where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment . . . ."; and,

WHEREAS, This Board considered these issues, heard testimony, and shared concerns that substantial evidence in the record supported a fair argument ~~demonstrating it was reasonably foreseeable that the proposed 2-lot subdivision would lead to future development that was not analyzed in the General Rule Exclusion and has~~ that the slopes on the subject site which, on average, are in excess of 20%, made this project ineligible for a minor land division Class 15 categorical exemption (CEQA Guidelines Section 15315). Because this project could not qualify for the Class 15 exemption along with evidence that any development on this site could have the possibility of creating a significant impact to the geologic stability of the subject portion of Telegraph Hill given the steep slopes and geology of the area, the Board determined that the General Rule Exclusion (GRE) would be inapplicable under the requirements for a GRE; and,

WHEREAS, This Board heard and shared concerns that the proposed project may affect the fragile hillside and any future development may lead to new landslides in a geologic area already prone to such landslides. In addition, this Board heard and shared concerns that

the 2-lot parcel map could result in separate ownership of the proposed lots, which in turn could limit the ability of future development on the upper lot from mitigating or otherwise stabilizing the hillside to protect the lower lot and other properties from landslides or falling debris; now, therefore be it

MOVED, That this Board of Supervisors finds that Appellant has both presented and directed attention to substantial evidence in the record supporting a fair argument that ~~it is reasonably foreseeable that the proposed subdivision project would lead to future development that was not analyzed in the General Rule Exclusion and has~~ the average slopes on the subject site exceed the 20% limit to qualify as a minor land division Class 15 categorical exemption (CEQA Guidelines Section 15315). There is additional evidence that any development on this site could have the possibility of creating a significant impact to the geologic stability of the subject portion of Telegraph Hill given the steep slopes and geology of the area. Consequently, the Board determined that the General Rule Exclusion (GRE) would be inapplicable under the requirements for a GRE; and, be it

FURTHER MOVED, That this Board directs the Planning Department to conduct further environmental review to analyze the proposed project's potentially significant environmental impacts, as required by CEQA. ~~Specifically, the Department shall analyze: (1) reasonably foreseeable development on both lots of the proposed 2-lot parcel map subdivision and (2) whether such development can address potential geologic and stability impacts on the property.~~

City and County of San Francisco
Tails
Motion: M11-165

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

File Number: 111169 **Date Passed:** November 08, 2011

Motion adopting findings reversing the Planning Department's determination that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review through a general rule exclusion.

November 01, 2011 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

November 08, 2011 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

November 08, 2011 Board of Supervisors - APPROVED AS AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 111169

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 11/8/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board