

File No. 210903

Committee Item No. _____

Board Item No. 37

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 5, 2021

Cmte Board

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- Grant Budget
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- Application
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OTHER

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Prepared by: Lisa Lew

Date: October 1, 2021

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Final Mitigated Negative Declaration - Proposed 1525 Pine
Street Project]

2

3 **Motion conditionally reversing the approval by the Planning Commission of a Final**
4 **Mitigated Negative Declaration under the California Environmental Quality Act for the**
5 **proposed 1525 Pine Street project, subject to the adoption of written findings of the**
6 **Board in support of this determination.**

7

8 WHEREAS, The Planning Commission (Commission) approved a Final Mitigated
9 Negative Declaration (FMND) for the proposed project at 1525 Pine Street (Project) on May 6,
10 2021; and

11 WHEREAS, The Project site (Assessor’s Parcel Block No. 0667, Lot No. 020) is a
12 3,000-square-foot rectangular parcel on the south side of Pine Street between Van Ness
13 Avenue and Polk Street in San Francisco’s Nob Hill neighborhood; the project site is a
14 through lot with one frontage on Pine Street and one frontage on Austin Street, and it is
15 occupied by a one-story restaurant called Grubstake; the project site slopes up gradually from
16 east to west (Polk Street to Van Ness Avenue) and from south to north (Austin Street to Pine
17 Street); and

18 WHEREAS, The Project consists of demolishing the existing one-story restaurant and
19 constructing an eight story, 83-foot-tall building (plus an additional 17-foot-tall elevator
20 penthouse) containing 21 dwelling units and approximately 2,855 square feet of commercial
21 space; and

22 WHEREAS, The existing restaurant, Grubstake, would vacate the premises during the
23 demolition and construction period but would return to occupy the basement, ground floor,
24 and mezzanine of the new building and will include reuse or replication of many of
25

1 Grubstake's existing features; the dwelling units would be on the second through eighth floors;
2 and

3 WHEREAS, On May 9, 2016, Toby Morris filed an application for the Project with the
4 Planning Department (Department) to demolish the existing restaurant and construct a new
5 six-story mixed-use building; and

6 WHEREAS, The application was subsequently modified his application to utilize state
7 density bonus law to construct an eight-story mixed-use building; and

8 WHEREAS, On January 27, 2021, the Department published a Preliminary Mitigated
9 Negative Declaration (PMND) with an Initial Study, analyzing the potential environmental
10 impacts of the Project; and

11 WHEREAS, On May 6, 2021, the Commission held a public hearing and heard an
12 appeal of the PMND, at the conclusion of which it denied the appeal, affirmed the PMND, and
13 published the FMND; and

14 WHEREAS, On July 22, 2021, the Commission approved a Conditional Use
15 Authorization for the Project, thereby adopting the FMND; and

16 WHEREAS, The Commission's approval of the Conditional Use Authorization
17 constitutes the approval action for purposes of Chapter 31; and

18 WHEREAS, On August 20, 2021, David Cincotta filed an appeal of the Commission's
19 adoption of the FMND with the Board of Supervisors, on behalf of Patricia Rose, Claire Rose,
20 and other neighbors (Appellants); and

21 WHEREAS, The Planning Department's Environmental Review Officer, by
22 memorandum to the Clerk of the Board dated August 25, 2021, determined that the appeal
23 had been timely filed; and

24 WHEREAS, On October 5, 2021, the Board of Supervisors held a duly noticed public
25 hearing to consider the appeal of the FMND filed by Appellants; and

1 WHEREAS, In reviewing the appeal of the FMND, the Board of Supervisors reviewed
2 and considered the environmental determination, the appeal letter, the responses to the
3 appeal documents that the Planning Department and the project sponsor prepared, the other
4 written records before the Board of Supervisors and all of the public testimony made in
5 support of and opposed to the appeal; and

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and deliberation of the oral and written testimony at the public hearing before the
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
9 the FMND is in the Clerk of the Board of Supervisors File No. 210901 and is incorporated in
10 this Motion as though set forth in its entirety; now, therefore, be it

11 MOVED, That this Board of Supervisors conditionally reverses the Planning
12 Department's preparation of the FMND, subject to the adoption of written findings of the Board
13 in support of this determination.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: