

File No. 230594

Committee Item No. _____

Board Item No. 40

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: June 27, 2023

Cmte Board

- Motion
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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: June 23, 2023

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Exemption Determination - 1151 Washington Street]

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3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 1151 Washington Street is exempt from environmental review,**
5 **subject to the adoption of written findings of the Board in support of this**
6 **determination.**

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8 WHEREAS, On April 7, 2023, the Planning Department issued a CEQA Categorical
9 Exemption Determination for the proposed project located at 1151 Washington Street
10 (“Project”) under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines,
11 and San Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The project site is a 3,571-square-foot parcel in the Nob Hill neighborhood,
13 occupied by an existing 30-foot-tall, three-story, single-family residence that is approximately
14 3,050 square feet in size with two off-street parking spaces; and

15 WHEREAS, The project sponsor proposes the demolition of the existing single-family
16 residence and construction of a 40-foot-tall (50-foot-tall with penthouses), four-story over
17 basement residential building containing 10 for-sale townhouses and one off-street van
18 parking space; access to the proposed units would be from a 5-foot-wide pathway that would
19 step up along the eastern edge of the property, from Washington Street; the proposed
20 pathway would include a bicycle ramp; the proposed building would be approximately 12,300
21 square feet in size, and would utilize the state density bonus program; and

22 WHEREAS, On November 1, 2022, Dana Manea (representing the project sponsor)
23 filed a project application with the department for the project; and

24 WHEREAS, Pursuant to Article 19 of the CEQA Guidelines (California Code of
25 Regulations, Title 14, Division 6, Chapter 3, Article 19, Sections 15300-15333), on April 7,

1 2023, the department determined that the project was categorically exempt under CEQA
2 Class 32 - Infill Development (“exemption determination”), and that no environmental review
3 was required; and

4 WHEREAS, On April 20, 2023, the Planning Commission (“Commission”) conducted a
5 duly noticed public hearing at a regularly scheduled commission meeting and approved the
6 Conditional Use Authorization for the proposed project; and

7 WHEREAS, On May 17, 2023, Richard Drury of Lozeau Drury, LLP, on behalf of
8 Clayton Timbrell (“Appellant”), filed an appeal of the categorical exemption determination; and

9 WHEREAS, On May 19, 2023, Hanmin Liu, on behalf of the Upper Chinatown
10 Neighborhood Association (UCNA), filed a memorandum indicating that UCNA is joining the
11 appeal of the exemption determination filed by Richard Drury (on May 17, 2023), and noting
12 that UCNA is not raising any new issues or enlarging the scope of the appeal; and

13 WHEREAS, By memorandum to the Clerk of the Board dated May 22, 2023, the
14 department determined that the appeal was timely filed; and

15 WHEREAS, On June 27, 2023, this Board held a duly noticed public hearing to
16 consider the appeal of the exemption determination filed by Appellant; and

17 WHEREAS, In reviewing the appeal of the exemption determination, this Board
18 reviewed and considered the exemption determination, the appeal letter, the responses to the
19 appeal documents that the Planning Department prepared, the other written records before
20 the Board of Supervisors and all of the public testimony made in support of and opposed to
21 the exemption determination appeal; and

22 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
23 conditionally reversed the exemption determination for the Project subject to the adoption of
24 written findings of the Board in support of such determination based on the written record
25

1 before the Board of Supervisors as well as all of the testimony at the public hearing in support
2 of and opposed to the appeal; and

3 WHEREAS, The written record and oral testimony in support of and opposed to the
4 appeal and the oral and written testimony at the public hearing before the Board of
5 Supervisors by all parties and the public in support of and opposed to the appeal of the
6 exemption determination, including the deliberations by the members of the Board, is in the
7 Clerk of the Board of Supervisors File No. 230592, and is incorporated in this Motion as
8 though set forth in its entirety; now, therefore, be it

9 MOVED, That the Board of Supervisors conditionally reverses the determination by the
10 Planning Department that the project is exempt from environmental review, subject to the
11 adoption of written findings of the Board in support of this determination.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquiries..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: