

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

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

6
7 WHEREAS, The Planning Department determined that a 2-lot parcel map (the
8 "project") located at 1171 Sansome Street (aka 1111 Sansome Street) was exempt from
9 environmental review under the California Environmental Quality Act ("CEQA"), the CEQA
10 Guidelines, and San Francisco Administrative Code Chapter 31. The Planning Department
11 on August 16, 2010, issued a General Rule Exclusion (State CEQA Guidelines Section
12 15061(b)(3)) for the project that determined the project was exempt from environmental
13 review; and,

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

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

20 WHEREAS, In reviewing the appeal of the exemption determination, this Board
21 reviewed and considered the general rule exclusion exemption determination, the appeal
22 letters, the responses to concerns document that the Planning Department prepared, the
23 other written records before the Board of Supervisors and all of the public testimony made in
24 support of and opposed to the exemption determination appeal. Following the conclusion of
25 the public hearing, the Board of Supervisors reversed the exemption determination for the

1 project based on the written record before the Board of Supervisors as well as all of the
2 testimony at the public hearing in support of and opposed to the appeal. The written record
3 and oral testimony in support of and opposed to the appeal and deliberation of the oral and
4 written testimony at the public hearing before the Board of Supervisors by all parties and the
5 public in support of and opposed to the appeal of the exemption determination is in the Clerk
6 of the Board of Supervisors File No. _____ and is incorporated in this motion as
7 though set forth in its entirety; and,

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

12 WHEREAS, This Board considered these issues, heard testimony, and shared
13 concerns that substantial evidence in the record supported a fair argument demonstrating it
14 was reasonably foreseeable that the proposed 2-lot subdivision would lead to future
15 development that was not analyzed in the General Rule Exclusion and has the possibility of
16 creating a significant impact to the geologic stability of the subject portion of Telegraph Hill;
17 and,

18 WHEREAS, This Board heard and shared concerns that the proposed project may
19 affect the fragile hillside and lead to new landslides in a geologic area already prone to such
20 landslides. In addition, this Board heard and shared concerns that the 2-lot parcel map could
21 result in separate ownership of the proposed lots, which in turn could limit the ability of future
22 development on the upper lot from mitigating or otherwise stabilizing the hillside to protect the
23 lower lot and other properties from landslides or falling debris; now, therefore be it

24 MOVED, That this Board of Supervisors finds that Appellant has both presented and
25 directed attention to substantial evidence in the record supporting a fair argument that it is

1 reasonably foreseeable that the proposed subdivision project would lead to future
2 development that was not analyzed in the General Rule Exclusion and has the possibility of
3 creating a significant impact to the geologic stability of the subject portion of Telegraph Hill;
4 and, be it

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