

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

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

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

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

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

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

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~~ that the slopes on
16 the subject site which, on average, are in excess of 20%, made this project ineligible for a
17 minor land division Class 15 categorical exemption (CEQA Guidelines Section 15315).
18 Because this project could not qualify for the Class 15 exemption along with evidence that any
19 development on this site could have the possibility of creating a significant impact to the
20 geologic stability of the subject portion of Telegraph Hill given the steep slopes and geology of
21 the area, the Board determined that the General Rule Exclusion (GRE) would be inapplicable
22 under the requirements for a GRE; and,

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

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

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

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