

1 [Reversing the Exemption Determination - 115 Telegraph Hill Boulevard]

2

3 **Motion reversing the determination by the Planning Department that a proposed**  
4 **project at 115 Telegraph Hill Boulevard is exempt from environmental review.**

5

6 WHEREAS, On September 3, 2014, the Planning Department determined that the  
7 proposed project located at 115 Telegraph Hill Boulevard (“Project”) is exempt from  
8 environmental review under the California Environmental Quality Act ("CEQA"), the CEQA  
9 Guidelines, and San Francisco Administrative Code Chapter 31. The proposed project  
10 involves the construction of a new three-unit residential building and an approximately 160  
11 square foot (sf) demolition and exterior renovation of an existing 1,000-square-foot, two-story  
12 cottage constructed in 1906. The existing cottage would be modified to remove an  
13 approximately 160-sf addition in the northeast corner of the cottage that was permitted by the  
14 granting of a variance by the Planning Department's Zoning Administrator in 1995 (Planning  
15 Department Case File No. 93.180v). Access to the cottage would be provided via a pedestrian  
16 walkway along Filbert Street; and

17 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
18 October 14, 2014, Susan Brandt-Hawley, on behalf of Telegraph Hill Dwellers (Appellant),  
19 appealed the exemption determination. The Appellant provided a copy of the Planning  
20 Department’s Certificate of Determination, Exemption from Environmental Review, which  
21 detailed the proposed project’s exemption determination under Class 1 of the CEQA  
22 Guidelines (14 Cal. Code Reg. §15301); and

23 WHEREAS, On October 16, 2014, the Planning Department’s Environmental Review  
24 Officer, by memorandum to the Clerk of the Board, determined that the appeal had been

25

1 timely filed, noting that the Planning Commission had approved a Conditional Use  
2 Authorization for the Project on September 11, 2014; and

3 WHEREAS, On November 18, 2014, this Board held a duly noticed public hearing to  
4 consider the appeal of the exemption determination filed by Appellant and, following the public  
5 hearing, reversed the exemption determination; and

6 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
7 reviewed and considered the exemption determination, the appeal letter, the responses to the  
8 appeal documents that the Planning Department prepared, the other written records before  
9 the Board of Supervisors and all of the public testimony made in support of and opposed to  
10 the exemption determination appeal. Following the conclusion of the public hearing, the Board  
11 of Supervisors reversed the exemption determination for the project based on the written  
12 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
13 support of and opposed to the appeal. The written record and oral testimony in support of and  
14 opposed to the appeal and deliberation of the oral and written testimony at the public hearing  
15 before the Board of Supervisors by all parties and the public in support of and opposed to the  
16 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.  
17 141059 and is incorporated in this motion as though set forth in its entirety; now therefore be it

18 MOVED, That this Board of Supervisors reverses the determination by the Planning  
19 Department that the project is exempt from environmental review.

20  
21 n:\landuse\mbyrne\bos ceqa appeals\115 telegraph catex rev.docx  
22  
23  
24  
25