

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

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3 **Motion affirming the approval by the Planning Commission of a Final Mitigated**
4 **Negative Declaration under the California Environmental Quality Act, for the proposed**
5 **1525 Pine Street project.**

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

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

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

21 WHEREAS, The existing restaurant, Grubstake, would vacate the premises during the
22 demolition and construction period but would return to occupy the basement, ground floor,
23 and mezzanine of the new building and will include reuse or replication of many of
24 Grubstake’s existing features; the dwelling units would be on the second through eighth floors;
25 and

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

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

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

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

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

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

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

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

22 WHEREAS, On October 19, 2021, the Board of Supervisors held a duly noticed public
23 hearing to consider the appeal of the FMND filed by Appellants; and

24 WHEREAS, In reviewing the appeal of the FMND, the Board of Supervisors reviewed
25 and considered the FMND, the appeal letter, the responses to the appeal documents that the

1 Planning Department and the project sponsor prepared, the other written records before the
2 Board of Supervisors and all of the public testimony made in support of and opposed to the
3 appeal; and

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

9 MOVED, That the Board of Supervisors of the City and County of San Francisco
10 hereby adopts as its own and incorporates by reference in this Motion, as though fully set
11 forth, the FMND; and, be it

12 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
13 record before it there are no substantial Project changes, no substantial changes in Project
14 circumstances, and no new information of substantial importance that would change the
15 conclusions set forth in the FMND; and, be it

16 FURTHER MOVED, That after carefully considering the appeal of the FMND, including
17 the written information submitted to the Board of Supervisors and the public testimony
18 presented to the Board of Supervisors at the hearing on the FMND, the Board of Supervisors
19 concludes that the Project qualifies for a Mitigated Negative Declaration and that no fair
20 argument supported by substantial evidence in the record has been presented that the Project
21 as proposed would result in any significant impact on the environment.

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