

File No. 210904

Committee Item No. \_\_\_\_\_

Board Item No. 38

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: October 5, 2021

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- 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: October 1, 2021

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Preparation of Findings to Reverse the Revised Mitigated Negative Declaration - Proposed  
2 1525 Pine Street Project]

3 **Motion directing the Clerk of the Board to prepare findings reversing the approval by**  
4 **the Planning Commission of a Final Mitigated Negative Declaration under the California**  
5 **Environmental Quality Act for the proposed 1525 Pine Street project.**

6  
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 5, 2021, the Board of Supervisors held a duly noticed public  
23 hearing to consider the appeal of the FMND filed by Appellants; and

1           WHEREAS, In reviewing the appeal of the FMND, the Board reviewed and considered  
2 the environmental determination, the appeal letter, the responses to the appeal documents  
3 that the Planning Department and the project sponsor prepared, the other written records  
4 before the Board of Supervisors and all of the public testimony made in support of and  
5 opposed to the appeal; and

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

11           MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare  
12 findings specifying the basis for its decision on the appeal of the FMND prepared by the  
13 Planning Department for the Project.

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# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date \_\_\_\_\_

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

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

**Sponsor(s):**

**Subject:**

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: \_\_\_\_\_

For Clerk's Use Only: