

1 [Affirming the Approval of a Final Mitigated Negative Declaration - 248-252 9th Street]

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3 **Motion affirming the approval of a Final Mitigated Negative Declaration under the**
4 **California Environmental Quality Act by the Planning Commission for a project located**
5 **at 248-252 9th Street.**

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7 WHEREAS, The Planning Commission has approved a Final Mitigated Negative
8 Declaration (FMND) under the California Environmental Quality Act (CEQA), the CEQA
9 Guidelines, and San Francisco Administrative Code Chapter 31 for a project located at 248-
10 252 9th Street. The project would include: merger of two lots, totaling 5,000 square feet (sf);
11 demolition of two existing one-story, approximately 15-foot-tall buildings currently used for
12 storage; and construction of a five-story, 55-foot-tall, 18,697-sf, mixed-use building containing
13 15 dwelling units and approximately 2,858 sf of ground-floor commercial space. The proposed
14 project would include no off-street parking spaces; and

15 WHEREAS, By letter to the Clerk of the Board received on November 25, 2013, Jakkee
16 Bryson (Appellant) appealed the Planning Commission’s October 24, 2013, approval of the
17 FMND, in which the Planning Commission upheld the Planning Department’s preliminary
18 mitigated negative declaration on appeal. On March 18, 2014, the Department of Building
19 Inspection issued permits for the proposed project, which constituted the approval actions;
20 and

21 WHEREAS, On May 20, 2014, this Board held a duly noticed public hearing to consider
22 the appeal of the FMND filed by Appellant and, following the public hearing, reversed the
23 Planning Commission’s approval of the FMND; and

24 WHEREAS, In reviewing the appeal of the FMND, this Board reviewed and considered
25 the FMND, the appeal letter, the responses to concerns document that the Planning

1 Department prepared, the other written records before the Board of Supervisors and all of the
2 public testimony made in support of and opposed to the FMND appeal. Following the
3 conclusion of the public hearing, the Board of Supervisors affirmed the Planning
4 Commission's approval of the FMND for the project based on the written record before the
5 Board of Supervisors as well as all of the testimony at the public hearing in support of and
6 opposed to the appeal. 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 of Supervisors by all parties and the public in support of and opposed to the appeal of
9 the FMND is in the Clerk of the Board of Supervisors File No. 131168 and is incorporated in
10 this motion as though set forth in its entirety; now therefore be it

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

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

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

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