

1 [Affirm adoption of the mitigated negative declaration for 110 The Embarcadero.]

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3 **Motion affirming Planning Commission adoption of the final mitigated negative**
4 **declaration for 110 The Embarcadero.**

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6 WHEREAS, On September 12, 2008, the Environmental Review Officer of the Planning
7 Department, in accordance with the California Environmental Quality Act ("CEQA"), the CEQA
8 Guidelines and San Francisco Administrative Code Chapter 31, issued a preliminary mitigated
9 negative declaration for a proposal at 110 The Embarcadero to demolish the existing two-
10 story office building and construct a new 10-story office building with ground floor retail space;
11 and

12 WHEREAS, On September 29, 2008, and October 2, 2008, David Osgood,
13 representing Rincon Point Neighbors Association, and Sue C. Hestor, representing San
14 Franciscans for Reasonable Growth, respectively, appealed the preliminary negative
15 declaration to the Planning Commission in accordance with Administrative Code Section
16 31.11(c); and

17 WHEREAS, On November 6, 2008, the Planning Commission affirmed the decision of
18 the Planning Department to issue a final mitigated negative declaration for the proposal at 110
19 The Embarcadero by Motion No. 17737, but deferred the approval of the proposal and
20 adoption of the final mitigated negative declaration and instead requested staff to prepare
21 documents for the approval of a revised project with the deletion of parking and the addition of
22 more retail space compared to the project as originally proposed; and

23 WHEREAS, On January 15, 2009, following a noticed public hearing, the Planning
24 Commission by Motion No. 17804 adopted a Final Mitigated Negative Declaration for 110 The
25 Embarcadero ("mitigated negative declaration") in accordance with Administrative Code

1 Section 31.11(h). A copy of said document is on file with the Clerk of the Board of
2 Supervisors in File No. 090159 and is incorporated by reference herein; and,
3 WHEREAS, On January 15, 2009, the Planning Commission through Motions No.
4 17804, 17805, and 17807 and Resolution Nos. 17806 and 17808 took various approval
5 actions related to the proposal, approving the demolition of an existing two-story office
6 building and construction of a new 123-foot tall, 10-story over basement building with
7 approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail
8 space, 2,670 square feet of rooftop open space and no parking spaces (the "Project") and
9 recommending to the Board that the site be rezoned from an 84-X Height and Bulk District to
10 a 130-foot Height and Bulk District and the General Plan be correspondingly amended; and
11 WHEREAS, On February 4, 2009, the Clerk of the Board received an appeal of the
12 mitigated negative declaration for the Project from Sue C. Hestor on behalf of San
13 Franciscans for Reasonable Growth ("Appellant"); and
14 WHEREAS, This Board of Supervisor's held a duly noticed public hearing on March 17,
15 2009, to consider the mitigated negative declaration appeal filed by Appellant for the Project;
16 and
17 WHEREAS, This Board has reviewed and considered the mitigated negative
18 declaration and heard testimony, the appeal letter, a responses to concerns document
19 prepared by the Planning Department and received public comment regarding the adequacy
20 of this document; and
21 WHEREAS, The mitigated negative declaration files and all correspondence and other
22 documents have been made available for review by this Board and the public. These files are
23 available for public review by appointment at the Planning Department offices at 1660 Mission
24 Street, and are part of the record before this Board by reference herein; and
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1 WHEREAS, Since the Planning Commission adoption of the mitigated negative
2 declaration, there is no new information of significant that would require a substantial revision
3 to the mitigated negative declaration and necessitate recirculation of said document pursuant
4 to CEQA Guidelines Section 15073.5; now, therefore, be it

5 MOVED, That this Board of Supervisors finds that the contents of the mitigated
6 negative declaration and the procedures through which it was prepared, publicized, and
7 reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub.
8 Res. Code Sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal.
9 Code Regs., Title 14, Section 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San
10 Francisco Administrative Code ("Chapter 31"); and, be it

11 FURTHER MOVED, That based on substantial evidence in light of the whole record,
12 this Board of Supervisors finds the mitigated negative declaration reflects its independent
13 judgment and analysis and is adequate, accurate, and objective, and hereby affirms the
14 decision of the Planning Commission to adopt the mitigated negative declaration in
15 compliance with CEQA, the State CEQA Guidelines, and Chapter 31; and, be it

16 FURTHER MOVED, that this Board of Supervisors adopts the findings of the Planning
17 Commission previously incorporated by reference into this motion that pertain to the
18 adequacy, accuracy and objectivity of the mitigated negative declaration and found in Motion
19 No. 17737 to affirm the decision of the Planning Department to issue the mitigated negative
20 declaration and in Motion No. 17804 to adopt the mitigated negative declaration.

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