

[Affirming adoption of the mitigated negative declaration for 1390 Market Street.]

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**Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1390 Market Street.**

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6 WHEREAS, On April 8, 2009, the Environmental Review Officer of the Planning  
7 Department issued a preliminary mitigated negative declaration for 1390 Market Street in  
8 accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines  
9 and San Francisco Administrative Code Chapter 31; and

10 WHEREAS, On May 28, 2009, following a noticed public hearing, the Planning  
11 Commission by Motion No. 17892 adopted a Final Mitigated Negative Declaration for 1390  
12 Market Street ("mitigated negative declaration") in accordance with Administrative Code  
13 Section 31.11(h). A copy of said document is on file with the Clerk of the Board of  
14 Supervisors in File No. 091082 and is incorporated by reference herein; and,

15 WHEREAS, The Clerk of the Board received an appeal on September 3, 2009, by Sue  
16 C. Hestor, on behalf of San Franciscans for Reasonable Growth ("Appellant"); and

17 WHEREAS, This Board of Supervisor's held a duly noticed public hearing on October  
18, 2009, to consider the mitigated negative declaration appeal filed by Appellant.

19 WHEREAS, This Board has reviewed and considered the mitigated negative  
20 declaration and heard testimony, the appeal letter, a responses to concerns document  
21 prepared the by Planning Department the other written records before the Board of  
22 Supervisors, and heard public testimony in support of and opposed to the adequacy of this  
23 document; and

24 WHEREAS, The mitigated negative declaration files and all correspondence and other  
25 documents have been made available for review by this Board and the public. These files are

1 available for public review by appointment at the Planning Department offices at 1650 Mission  
2 Street, and are part of the record before this Board by this reference; and

3 WHEREAS, Since the Planning Commission adoption of the mitigated negative  
4 declaration, there is no new information of significant that would require a substantial revision  
5 to the mitigated negative declaration and necessitate recirculation of said document pursuant  
6 to CEQA Guidelines Section 15073.5; now, therefore, be it

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

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

18 FURTHER MOVED, that this Board of Supervisors adopts the findings of Planning  
19 Commission Motion No. 17892 that it previously incorporated by reference into this motion.

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