

1 [Affirming the Approval of a Final Mitigated Negative Declaration - 480 Potrero Avenue]

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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 480 Potrero Avenue.**

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7 WHEREAS, The Planning Commission has approved a Final Mitigated Negative  
8 Declaration (FMND) for a project located at 480 Potrero Avenue under the California  
9 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative  
10 Code Chapter 31. The proposed project involves construction of a six-story, 58-foot-tall  
11 mixed-use building, which would include residential, ground-floor retail, and parking uses  
12 ("proposed project"). By letters to the Clerk of the Board received on August 28, 2013, Jean  
13 Bogiages and Juan M. Jayo, on behalf of the Mariposa Utah Neighborhood Association  
14 ("MUNA"), and Mica I. Ringel (Appellants), appealed the Planning Commission's approval of  
15 the FMND. Appellants provided a copy of Planning Commission Motion No. 18944, dated  
16 August 8, 2013, upholding the Preliminary Mitigated Negative Declaration on appeal to that  
17 body. At the same August 8, 2013 hearing, the Planning Commission approved a Large  
18 Project Authorization under Planning Code Section 329 for the proposed project; and

19 WHEREAS, On October 8, 2013, this Board held a duly noticed public hearing to  
20 consider the appeal of the FMND filed by Appellants and, following the public hearing,  
21 affirmed the Planning Commission's approval of the FMND; and

22 WHEREAS, In reviewing the appeal of the FMND, this Board reviewed and considered  
23 the FMND, the appeal letters, the responses to concerns document that the Planning  
24 Department prepared, the other written records before the Board of Supervisors and all of the  
25 public testimony made in support of and opposed to the FMND appeal. Following the

1 conclusion of the public hearing, the Board of Supervisors affirmed the Planning  
2 Commission's approval of the FMND for the project based on the written record before the  
3 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
4 opposed to the appeal. 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. 130843 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, this Board concludes that  
19 the project qualifies for a FMND and that no fair argument supported by substantial evidence  
20 in the record has been presented that the project as proposed would result in any significant  
21 impact on the environment.

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