

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

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**Motion reversing the 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 adopted a Final Mitigated Negative Declaration for 1390 Market Street  
12 ("mitigated negative declaration") in accordance with Administrative Code Section 31.11(h). A  
13 copy of said document is on file with the Clerk of the Board of Supervisors in File No. 091082  
14 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; and

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

available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

3        MOVED, That this Board of Supervisors reverses the Planning Commission's adoption  
4 of the mitigated negative declaration.

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