

1 [Reversing adoption of the negative declaration for 40-50 Lansing Street]

2

3 **Motion reversing the Planning Commission adoption of the negative declaration for 40-**
4 **50 Lansing Street.**

5

6 WHEREAS, The project sponsor for a development at 40-50 Lansing Street (the
7 “Project”) submitted its application for environmental review of the Project on April 25, 2002
8 (City Planning File No. 2002.0446E); and

9 WHEREAS, The San Francisco Planning Department (the "Department") issued a
10 preliminary mitigated negative declaration for this Project on October 19, 2002 (the “negative
11 declaration”). A copy of said document is on file with the Clerk of the Board of Supervisors in
12 File No. 030376 and is incorporated by reference herein; and

13 WHEREAS, On November 8, 2002, the negative declaration was timely appealed to
14 the San Francisco Planning Commission (the “Commission”); and

15 WHEREAS, On February 20, 2003, the Commission held a duly noticed public hearing
16 on the negative declaration appeal; and

17 WHEREAS, On said date, the Commission reviewed and considered the preliminary
18 mitigated negative declaration, as amended, the appeal letter, a responses to concerns
19 document that the Department prepared, and public testimony. By Motion No. 16530, the
20 Commission found that the contents of the negative declaration and the procedures through
21 which it was prepared, publicized, and reviewed complied with the provisions of the California
22 Environmental Quality Act (Cal. Pub. Res. Code sections 21000 et seq., hereinafter "CEQA"),
23 the State CEQA Guidelines (Cal. Code Regs. Title 14, sections 15000 et seq., ("CEQA
24 Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

25

1 WHEREAS, By said Motion No. 16530, the Commission found the negative declaration
2 reflected its independent judgment and analysis and was adequate, accurate, and objective,
3 and adopted the negative declaration in compliance with CEQA, the State CEQA Guidelines,
4 and Chapter 31. Said motion is on file with the Clerk of the Board in File No. 030376 and is
5 incorporated by reference herein; and

6 WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 20, 2003
7 (as amended by subsequent letter dated February 24, 2003), Patrick M. Malone filed an
8 appeal of the negative declaration to the Board of Supervisors; and

9 WHEREAS, The Clerk of the Board of Supervisors received this appeal letter on or
10 around February 20, 2003; and

11 WHEREAS, On March 25, 2003, this Board held a duly noticed public hearing to
12 consider the appeal of the negative declaration; and

13 WHEREAS, This Board has reviewed and considered the negative declaration and
14 heard testimony and received public comment regarding the adequacy of this document; and

15 WHEREAS, The negative declaration files and all correspondence and other
16 documents have been made available for review by this Board, the Commission and the
17 public. These files are available for public review by appointment at the Planning Department
18 offices at 1660 Mission Street, and are part of the record before this Board by reference
19 herein; and

20 WHEREAS, Since the Planning Commission action on the negative declaration, there
21 is no new information of significance that would require a substantial revision to the negative
22 declaration and necessitate recirculation of said document pursuant to CEQA Guideline
23 section 15073.5; now, therefore, be it

24 MOVED, That this Board of Supervisors reverses the Planning Commission's adoption
25 of the negative declaration.