

1 [Affirm adoption of the mitigated negative declaration for the 300 Grant Avenue project.]

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3 **Motion affirming Planning Commission adoption of the final mitigated negative**  
4 **declaration for the 300 Grant Avenue project.**

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6 WHEREAS, On December 2, 2006, in accordance with the California Environmental  
7 Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter  
8 31, the Environmental Review Officer of the Planning Department issued a preliminary  
9 mitigated negative declaration for the 300 Grant Avenue Project, which is a proposal to  
10 demolish two commercial buildings and construct a new, 111,000 gross square-foot, 10-story,  
11 mixed-use building containing approximately 45 dwelling units, below-grade parking and  
12 ground-floor and second-floor retail on two lots in the C-3-R district within the Kearney-  
13 Market-Mason-Sutter Conservation District; and

14 WHEREAS, On February 15, 2007 and February 16, 2007, Pamela S. Duffy, on behalf  
15 of Waverly Grant Partnership, and Sue Hestor, on behalf of certain 333 Grant Avenue  
16 residents, respectively, filed appeals of the Preliminary Negative Declaration to the Planning  
17 Commission in accordance with Administrative Code Section 31.11(c); and

18 WHEREAS, On June 12, 2008, following a noticed public hearing, the Planning  
19 Commission by Motion No. 17614 affirmed the conclusions of the Final Mitigated Negative  
20 Declaration for the 300 Grant Street Project ("Mitigated Negative Declaration") that the project  
21 would not have a significant effect on the environment in accordance with Administrative Code  
22 Section 31.11(g). A copy of said document is on file with the Clerk of the Board of  
23 Supervisors in File No. 080927 and is incorporated by reference herein; and,

24 WHEREAS, on the same day, the Planning Commission approved various exceptions  
25 to the Planning Code for the project under Section 309 by Motion No. 17615 and adopted the

1 Final Mitigated Negative Declaration in accordance with Administrative Code Section  
2 31.11(h); and

3 WHEREAS, The Clerk of the Board received an appeal of the Mitigated Negative  
4 Declaration from Sue C. Hestor on July 2, 2008, on behalf of Al and Paola Habegger, David  
5 Anders and Kenneth and Anna Zankel, residents of 333 Grant Avenue ("Appellants"); and

6 WHEREAS, This Board of Supervisor's held a duly noticed public hearing on August  
7 12, 2008, to consider the Mitigated Negative Declaration appeal filed by Appellants; and

8 WHEREAS, This Board has reviewed and considered the Mitigated Negative  
9 Declaration and heard testimony, the appeal letter, a responses to concerns document  
10 prepared by the Planning Department and received public comment regarding the adequacy  
11 of this document; and

12 WHEREAS, The Mitigated Negative Declaration files and all correspondence and other  
13 documents have been made available for review by this Board and the public. These files are  
14 available for public review by appointment at the Planning Department offices at 1660 Mission  
15 Street, and are part of the record before this Board by reference herein; and

16 WHEREAS, Since the Planning Commission adoption of the Mitigated Negative  
17 Declaration, there is no new information of significance that would require a substantial  
18 revision to the Mitigated Negative Declaration and necessitate recirculation of said document  
19 pursuant to CEQA Guidelines Section 15073.5; now, therefore, be it

20 MOVED, That this Board of Supervisors finds that the contents of the Mitigated  
21 Negative Declaration and the procedures through which it was prepared, publicized, and  
22 reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub.  
23 Res. Code Sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal.  
24 Code Regs., Title 14, Section 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San  
25 Francisco Administrative Code ("Chapter 31"); and, be it

1           FURTHER MOVED, That based on substantial evidence in light of the whole record,  
2 this Board of Supervisors finds the Mitigated Negative Declaration reflects its independent  
3 judgment and analysis and is adequate, accurate, and objective, and hereby affirms the  
4 decision of the Planning Commission to adopt the Mitigated Negative Declaration for the 300  
5 Grant Street Project in compliance with CEQA, the State CEQA Guidelines, and Chapter 31;  
6 and, be it

7           FURTHER MOVED, that this Board of Supervisors adopts the findings of Planning  
8 Commission Motion No. 17614 that it previously incorporated by reference into this motion.

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