

1 [Affirming the Approval of a Final Mitigated Negative Declaration - Proposed Project  
2 at 950-974 Market Street]

3 **Motion affirming the approval by the Planning Commission of a Final Mitigated**  
4 **Negative Declaration under the California Environmental Quality Act for a proposed**  
5 **project at 950-974 Market Street.**

6

7 WHEREAS, The Planning Commission has approved a Final Mitigated Negative  
8 Declaration (FMND) under the California Environmental Quality Act ("CEQA"), the CEQA  
9 Guidelines, and San Francisco Administrative Code, Chapter 31 for a proposed project  
10 located at 950-974 Market Street; and

11 WHEREAS, The proposed project would include demolition of an existing surface  
12 parking lot over a below-grade parking structure and existing four 2- to 3-story buildings and  
13 construction of a new 12-story, 120-foot-tall, approximately 408,342 gross square foot (gsf)  
14 building with ground-floor retail space, 242 dwelling units, a hotel, ground-floor commercial  
15 retail space, and subterranean parking; and

16 WHEREAS, On July 6, 2016, the Planning Department published a Preliminary  
17 Mitigated Negative Declaration ("PMND") for the proposed project; and

18 WHEREAS, On July 26, 2016, Brian Basinger and Rick Galbreath on behalf of the Q  
19 Foundation filed an appeal of the Planning Department's decision to issue the PMND; and

20 WHEREAS, On November 17, 2016, by Motion No. 19780, the Planning Commission  
21 affirmed the Department's decision to issue the PMND and approved the project through  
22 approval of Planning Code amendments by Resolution No. 19781, a conditional use  
23 authorization under Section 303, by Motion No. 19782, and a downtown project authorization  
24 under Section 309 of the Planning Code by Motion No. 19783, which constituted the approval  
25 actions for the proposed project; and

1           WHEREAS, By letter to the Clerk of the Board received on December 16, 2016, Victor  
2 M. Marquez, of the Marquez Law Group, PC, on behalf of the Transgender Intersex Justice  
3 Project, the Saint James Infirmary, and the Q Foundation (Appellants), appealed the Planning  
4 Commission approval of the FMND; and

5           WHEREAS, The Planning Department’s Environmental Review Officer, by  
6 memorandum to the Clerk of the Board dated December 20, 2016, determined that the appeal  
7 was timely; and

8           WHEREAS, On January 31, 2017, this Board held a duly noticed public hearing to  
9 consider the appeal of the FMND filed by Appellants and, following the public hearing,  
10 affirmed the Planning Commission’s approval of the FMND; and

11           WHEREAS, In reviewing the appeal of the FMND, this Board reviewed and considered  
12 the FMND, the appeal letter, the responses to concerns document that the Planning  
13 Department prepared, the other written records before the Board of Supervisors, and all of the  
14 public testimony made in support of and opposed to the FMND appeal; and

15           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
16 affirmed the Planning Commission’s approval of the FMND for the project based on the  
17 written record before the Board of Supervisors as well as all of the testimony at the public  
18 hearing in support of and opposed to the appeal; and

19           WHEREAS, The written record and oral testimony in support of and opposed to the  
20 appeal and deliberation of the oral and written testimony at the public hearing before the  
21 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
22 the FMND is in the Clerk of the Board of Supervisors File No. 161365 and is incorporated in  
23 this motion as though set forth in its entirety; now, therefore, be it  
24  
25

1           MOVED, That the Board of Supervisors of the City and County of San Francisco  
2 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
3 forth, the FMND; and, be it

4           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
5 record before it there are no substantial project changes, no substantial changes in project  
6 circumstances, and no new information of substantial importance that would change the  
7 conclusions set forth in the FMND; and, be it

8           FURTHER MOVED, That after carefully considering the appeal of the FMND, including  
9 the written information submitted to the Board of Supervisors and the public testimony  
10 presented to the Board of Supervisors at the hearing on the FMND, this Board concludes that  
11 the project qualifies for a FMND and that no fair argument supported by substantial evidence  
12 in the record has been presented that the project as proposed would result in any significant  
13 impact on the environment.