

1 [Reversing adoption of the mitigated negative declaration for 110 The Embarcadero.]

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3 **Motion reversing the Planning Commission adoption of the final mitigated negative**
4 **declaration for 110 The Embarcadero.**

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6 WHEREAS, On September 12, 2008, the Environmental Review Officer of the Planning
7 Department, in accordance with the California Environmental Quality Act ("CEQA"), the CEQA
8 Guidelines and San Francisco Administrative Code Chapter 31, issued a preliminary mitigated
9 negative declaration for a proposal at 110 The Embarcadero to demolish the existing two-
10 story office building and construct a new 10-story office building with ground floor retail space;
11 and

12 WHEREAS, On September 29, 2008, and October 2, 2008, David Osgood,
13 representing Rincon Point Neighbors Association, and Sue C. Hestor, representing San
14 Franciscans for Reasonable Growth, respectively, appealed the preliminary negative
15 declaration to the Planning Commission in accordance with Administrative Code Section
16 31.11(c); and

17 WHEREAS, On November 6, 2008, the Planning Commission affirmed the decision of
18 the Planning Department to issue a final mitigated negative declaration for the proposal at 110
19 The Embarcadero by Motion No. 17737, but deferred the approval of the proposal and
20 adoption of the final mitigated negative declaration and instead requested staff to prepare
21 documents for the approval of a revised project with the deletion of parking and the addition of
22 more retail space compared to the project as originally proposed; and

23 WHEREAS, On January 15, 2009, following a noticed public hearing, the Planning
24 Commission by Motion No. 17804 adopted a Final Mitigated Negative Declaration for 110 The
25 Embarcadero ("mitigated negative declaration") in accordance with Administrative Code

1 Section 31.11(h). A copy of said document is on file with the Clerk of the Board of
2 Supervisors in File No. 090159 and is incorporated by reference herein; and,
3 WHEREAS, On January 15, 2009, the Planning Commission through Motions No.
4 17804, 17805, and 17807 and Resolution Nos. 17806 and 17808 took various approval
5 actions related to the proposal, approving the demolition of an existing two-story office
6 building and construction of a new 123-foot tall, 10-story over basement building with
7 approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail
8 space, 2,670 square feet of rooftop open space and no parking spaces (the "Project") and
9 recommending to the Board that the site be rezoned from an 84-X Height and Bulk District to
10 a 130-foot Height and Bulk District and the General Plan be correspondingly amended; and
11 WHEREAS, On February 4, 2009, the Clerk of the Board received an appeal of the
12 mitigated negative declaration for the Project from Sue C. Hestor on behalf of San
13 Franciscans for Reasonable Growth ("Appellant"); and
14 WHEREAS, This Board of Supervisor's held a duly noticed public hearing on March 17,
15 2009, to consider the mitigated negative declaration appeal filed by Appellant for the Project;
16 and
17 WHEREAS, This Board has reviewed and considered the mitigated negative
18 declaration and heard testimony, the appeal letter, a responses to concerns document
19 prepared by the Planning Department and received public comment regarding the adequacy
20 of this document; and
21 WHEREAS, The mitigated negative declaration files and all correspondence and other
22 documents have been made available for review by this Board and the public. These files are
23 available for public review by appointment at the Planning Department offices at 1660 Mission
24 Street, and are part of the record before this Board by reference herein; now, therefore, be it
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1 MOVED, That this Board of Supervisors reverses the Planning Commission's adoption
2 of the mitigated negative declaration.

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