

File No. 131170

Committee Item No. \_\_\_\_\_

Board Item No. 18

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date \_\_\_\_\_  
Date May 20, 2014

**Cmte Board**

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

**OTHER** (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: John Carroll Date May 15, 2014  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Reversing the Approval of a Final Mitigated Negative Declaration - 248-252 9th Street]

2  
3 **Motion reversing the approval of a Final Mitigated Negative Declaration under the**  
4 **California Environmental Quality Act by the Planning Commission for a project located**  
5 **at 248-252 9th 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 project located at 248-  
10 252 9th Street. The project would include: merger of two lots, totaling 5,000 square feet (sf);  
11 demolition of two existing one-story, approximately 15-foot-tall buildings currently used for  
12 storage; and construction of a five-story, 55-foot-tall, 18,697-sf, mixed-use building containing  
13 15 dwelling units and approximately 2,858 sf of ground-floor commercial space. The proposed  
14 project would include no off-street parking spaces; and

15 WHEREAS, By letter to the Clerk of the Board received on November 25, 2013, Jakkee  
16 Bryson (Appellant) appealed the Planning Commission's October 24, 2013, approval of the  
17 FMND, in which the Planning Commission upheld the Planning Department's preliminary  
18 mitigated negative declaration on appeal. On March 18, 2014, the Department of Building  
19 Inspection issued permits for the proposed project, which constituted the approval actions;  
20 and

21 WHEREAS, On May 20, 2014, this Board held a duly noticed public hearing to consider  
22 the appeal of the FMND filed by Appellant and, following the public hearing, reversed the  
23 Planning Commission's approval of the FMND; and

24 WHEREAS, In reviewing the appeal of the FMND, this Board reviewed and considered  
25 the FMND, the appeal letter, the responses to concerns document that the Planning

1 Department prepared, the other written records before the Board of Supervisors and all of the  
2 public testimony made in support of and opposed to the FMND appeal. Following the  
3 conclusion of the public hearing, the Board of Supervisors reversed the Planning  
4 Commission's approval of the FMND for the project based on the written record before the  
5 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
6 opposed to the appeal. The written record and oral testimony in support of and opposed to the  
7 appeal and deliberation of the oral and written testimony at the public hearing before the  
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
9 the FMND is in the Clerk of the Board of Supervisors File No. 131168 and is incorporated in  
10 this motion as though set forth in its entirety; now therefore be it

11           MOVED, That this Board of Supervisors reverses the approval by the Planning  
12 Commission of the FMND.

13  
14 n:\landuse\mbyrne\bos ceqa appeals\248-252 9th street neg dec rev.docx  
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# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

Sponsor(s):

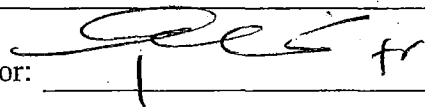
Clerk of the Board

Subject:

Reversing the Approval of a Final Mitigated Negative Declaration - 248-252 9th Street

The text is listed below or attached:

Motion reversing the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act by the Planning Commission for a project located at 248-252 9th Street.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: