

1 [Reversing the exemption determination issued for the 430 Main Street/429 Beale Street
2 project.]

3 **Motion reversing the exemption determination by the Planning Department that the 430**
4 **Main Street/429 Beale Street project is exempt from environmental review.**

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6 WHEREAS, On February 23, 2009, the Planning Department determined that a
7 proposal to demolish two existing one- and two-story concrete buildings on two adjacent
8 parcels and construct an eight-story, approximately 146,000-square-foot residential building
9 on the site following merger of the two lots, located at 430 Main Street/429 Beale Street, (the
10 "Project") was statutorily exempt from additional environmental review beyond the Rincon Hill
11 Plan Final Environmental Impact Report (FEIR) under the California Environmental Quality
12 Act ("CEQA"), Section 21083.3, the CEQA Guidelines, Section 15183 and San Francisco
13 Administrative Code Chapter 31 (the "exemption determination"). A copy of said document is
14 on file with the Clerk of the Board of Supervisors in File No.091088, and is incorporated by
15 reference in this motion; and,

16 WHEREAS, On May 14, 2009, the Planning Commission approved the Project; and,

17 WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 8,
18 2009, Dane Ince on behalf of the Opposition Team to 430 Main Street filed an appeal of the
19 exemption determination to the Board of Supervisors, which the Clerk of the Board of
20 Supervisors received on or around September 8, 2009; and,

21 WHEREAS, On October 20, 2009, this Board held a duly noticed public hearing to
22 consider the appeal of the exemption determination filed by Appellant; and,

23 WHEREAS, This Board has reviewed and considered the exemption determination, the
24 appeal letter, the responses to concerns document that the Planning Department prepared,
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1 the other written records before the Board of Supervisors, and heard public testimony in
2 support of and opposed to the exemption determination appeal; and,

3 WHEREAS, The exemption determination files and all correspondence and other
4 documents have been made available for review by this Board and the public. These files are
5 available for public review by appointment at the Planning Department offices at 1650 Mission
6 Street, and are part of the record before this Board by reference in this motion; now, therefore,
7 be it

8 MOVED, That this Board of Supervisors reverses the exemption determination by the
9 Planning Department that the Project is exempt/excluded from additional environmental
10 review beyond the FEIR.

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