

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

2

3 **Motion directing the Clerk of the Board to prepare findings reversing the Planning**
4 **Commission’s approval of a Final Mitigated Negative Declaration under the California**
5 **Environmental Quality Act for a proposed 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 reversed the Planning Commission's approval of the FMND subject to the adoption of written
11 findings in support of such determination; and

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

16 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
17 reversed the Planning Commission's approval of the FMND for the project subject to the
18 adoption of written findings in support of such determination and based on the written record
19 before the Board of Supervisors as well as all of the testimony at the public hearing in support
20 of and opposed to the appeal; and

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

1 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
2 findings specifying the basis for its decision on the appeal of the FMND approved by the
3 Planning Commission for the project.

4
5 n:\landuse\mbyrne\bos ceqa appeals\950-974 market neg dec dir.docx

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25