

1 [Affirming adoption of the mitigated negative declaration for 1960-1998 Market Street.]

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3 **Motion affirming Planning Commission adoption of the final mitigated negative**
4 **declaration for 1960-1998 Market Street.**

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6 WHEREAS, On November 19, 2008, the Environmental Review Officer of the Planning
7 Department issued a preliminary mitigated negative declaration for a proposal to demolish a
8 service station and develop a mixed use building with up to 115 residential units over ground-
9 floor commercial space and a partially subterranean garage with 69 parking spaces at 1960-
10 1998 Market Street (the "1960-1998 Market Street Project") in accordance with the California
11 Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative
12 Code Chapter 31; and

13 WHEREAS, On December 9, 2008, Tanya A. Gulesserian, on behalf of the San
14 Francisco Building and Construction Trades Council, in accordance with Administrative Code
15 Section 31.11(c) filed an appeal of the preliminary mitigated negative declaration with the
16 Planning Commission; and

17 WHEREAS, On April 16, 2009, following a noticed public hearing, the Planning
18 Commission by motion approved the issuance of the Final Mitigated Negative Declaration for
19 1960-1998 Market Street ("mitigated negative declaration") in accordance with Administrative
20 Code Section 31.11(g) by Motion No. 17865. A copy of said document is on file with the Clerk
21 of the Board of Supervisors in File No. 090871 and is incorporated by reference herein; and,

22 WHEREAS, On June 4, 2009, the Planning Commission adopted the mitigated
23 negative declaration in accordance with Administrative Code Section 31.11 (h) and approved
24 a conditional use permit for the project by Motion No. 17894. A copy of said document is on
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1 file with the Clerk of the Board of Supervisors in File No. 090871 and is incorporated by
2 reference herein; and,

3 WHEREAS, The Clerk of the Board received an appeal on July 6, 2009 from Tanya A.
4 Gulesserian, on behalf of the San Francisco Building and Construction Trades Council
5 ("Appellant"); and

6 WHEREAS, This Board of Supervisor's held a duly noticed public hearing on August 4,
7 2009, to consider the mitigated negative declaration appeal filed by Appellant; and

8 WHEREAS, This Board has reviewed and considered the mitigated negative
9 declaration and heard testimony, the appeal letter, a responses to concerns document
10 prepared the by Planning Department the other written records before the Board of
11 Supervisors, and heard public testimony in support of and opposed to the adequacy of this
12 document; and

13 WHEREAS, The mitigated negative declaration files and all correspondence and other
14 documents have been made available for review by this Board and the public. These files are
15 available for public review by appointment at the Planning Department offices at 1650 Mission
16 Street, and are part of the record before this Board by reference herein; and

17 WHEREAS, Since the Planning Commission adoption of the mitigated negative
18 declaration, there is no new information of significant that would require a substantial revision
19 to the mitigated negative declaration and necessitate recirculation of said document pursuant
20 to CEQA Guidelines Section 15073.5; now, therefore, be it

21 MOVED, That this Board of Supervisors finds that the contents of the mitigated
22 negative declaration and the procedures through which it was prepared, publicized, and
23 reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub.
24 Res. Code Sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal.

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1 Code Regs., Title 14, Section 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San
2 Francisco Administrative Code ("Chapter 31"); and, be it

3 FURTHER MOVED, That based on substantial evidence in light of the whole record,
4 this Board of Supervisors finds the mitigated negative declaration reflects its independent
5 judgment and analysis and is adequate, accurate, and objective, and hereby affirms the
6 decision of the Planning Commission to adopt the mitigated negative declaration in
7 compliance with CEQA, the State CEQA Guidelines, and Chapter 31; and, be it

8 FURTHER MOVED, that this Board of Supervisors adopts the findings of Planning
9 Commission Motion No. 17865 that it previously incorporated by reference into this motion.

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