

1 [Preparation of findings to reverse adoption of the mitigated negative declaration for 110 The
2 Embarcadero.]

3 **Motion directing the Clerk of the Board to prepare findings reversing the Planning**
4 **Commission adoption of the final mitigated negative declaration for 110 The**
5 **Embarcadero.**

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

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14 WHEREAS, On September 29, 2008, and October 2, 2008, David Osgood,
15 representing Rincon Point Neighbors Association, and Sue C. Hestor, representing San
16 Franciscans for Reasonable Growth, respectively, appealed the preliminary negative
17 declaration to the Planning Commission in accordance with Administrative Code Section
18 31.11(c); and

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

1 WHEREAS, On January 15, 2009, following a noticed public hearing, the Planning
2 Commission by Motion No. 17804 adopted a Final Mitigated Negative Declaration for 110 The
3 Embarcadero ("mitigated negative declaration") in accordance with Administrative Code
4 Section 31.11(h). A copy of said document is on file with the Clerk of the Board of
5 Supervisors in File No. 090159 and is incorporated by reference herein; and,

6 WHEREAS, On January 15, 2009, the Planning Commission through Motions No.
7 17804, 17805, and 17807 and Resolution Nos. 17806 and 17808 took various approval
8 actions related to the proposal, approving the demolition of an existing two-story office
9 building and construction of a new 123-foot tall, 10-story over basement building with
10 approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail
11 space, 2,670 square feet of rooftop open space and no parking spaces (the "Project") and
12 recommending to the Board that the site be rezoned from an 84-X Height and Bulk District to
13 a 130-foot Height and Bulk District and the General Plan be correspondingly amended; and

14 WHEREAS, On February 4, 2009, the Clerk of the Board received an appeal of the
15 mitigated negative declaration for the Project from Sue C. Hestor on behalf of San
16 Franciscans for Reasonable Growth ("Appellant"); and

17 WHEREAS, This Board of Supervisor's held a duly noticed public hearing on March 17,
18 2009, to consider the mitigated negative declaration appeal filed by Appellant for the Project.
19 Following the conclusion of the public hearing, the Board reversed the Planning Commission's
20 adoption of the mitigated negative declaration for 110 The Embarcadero based on the written
21 record before the Board as well as all of the testimony at the public hearing in support of and
22 opposed to the appeal. Said Motion and written record is in the Clerk of the Board of
23 Supervisors File No. 090161 and is incorporated herein as though set forth in its entirety; and

24 WHEREAS, In regard to said decision, this Board made certain findings specifying the
25 basis for its decision; now, therefore, be it

1 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the
2 findings specifying the basis for its reversal of the Planning Commission's adoption of the
3 mitigated negative declaration for 110 The Embarcadero.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
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Tails Motion

File Number: 090162

Date Passed: March 17, 2009

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

March 17, 2009 Board of Supervisors — APPROVED

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

File No. 090162

I hereby certify that the foregoing Motion was APPROVED on March 17, 2009 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board