

1 [Conditionally Reversing the Approval of a Final Mitigated Negative Declaration - Proposed
2 Project at 950-974 Market Street]

3 **Motion conditionally reversing the approval by the Planning Commission of a Final**
4 **Mitigated Negative Declaration under the California Environmental Quality Act for a**
5 **proposed project at 950-974 Market Street, subject to the adoption of written findings in**
6 **support of such determination.**

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8 WHEREAS, The Planning Commission has approved a Final Mitigated Negative
9 Declaration (FMND) under the California Environmental Quality Act ("CEQA"), the CEQA
10 Guidelines, and San Francisco Administrative Code, Chapter 31 for a proposed project
11 located at 950-974 Market Street; and

12 WHEREAS, The proposed project would include demolition of an existing surface
13 parking lot over a below-grade parking structure and existing four 2- to 3-story buildings and
14 construction of a new 12-story, 120-foot-tall, approximately 408,342 gross square foot (gsf)
15 building with ground-floor retail space, 242 dwelling units, a hotel, ground-floor commercial
16 retail space, and subterranean parking; and

17 WHEREAS, On July 6, 2016, the Planning Department published a Preliminary
18 Mitigated Negative Declaration ("PMND") for the proposed project; and

19 WHEREAS, On July 26, 2016, Brian Basinger and Rick Galbreath on behalf of the Q
20 Foundation filed an appeal of the Planning Department's decision to issue the PMND; and

21 WHEREAS, On November 17, 2016, by Motion No. 19780, the Planning Commission
22 affirmed the Department's decision to issue the PMND and approved the project through
23 approval of Planning Code amendments by Resolution No. 19781, a conditional use
24 authorization under Section 303, by Motion No. 19782, and a downtown project authorization
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1 under Section 309 of the Planning Code by Motion No. 19783, which constituted the approval
2 actions for the proposed project; and

3 WHEREAS, By letter to the Clerk of the Board received on December 16, 2016, Victor
4 M. Marquez, of the Marquez Law Group, PC, on behalf of the Transgender Intersex Justice
5 Project, the Saint James Infirmary, and the Q Foundation (Appellants), appealed the Planning
6 Commission approval of the FMND; and

7 WHEREAS, The Planning Department's Environmental Review Officer, by
8 memorandum to the Clerk of the Board dated December 20, 2016, determined that the appeal
9 was timely; and

10 WHEREAS, On January 31, 2017, this Board held a duly noticed public hearing to
11 consider the appeal of the FMND filed by Appellants and, following the public hearing,
12 conditionally reversed the Planning Commission's approval of the FMND subject to the
13 adoption of written findings in support of such determination; and

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

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

23 WHEREAS, The written record and oral testimony in support of and opposed to the
24 appeal and deliberation of the oral and written testimony at the public hearing before the
25 Board of Supervisors by all parties and the public in support of and opposed to the appeal of

1 the FMND is in the Clerk of the Board of Supervisors File No. 161365 and is incorporated in
2 this motion as though set forth in its entirety; now, therefore, be it

3 MOVED, That this Board of Supervisors conditionally reverses the approval by the
4 Planning Commission of the FMND subject to the adoption of written findings in support of
5 such determination.

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