Motion affirming the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for a proposed project at 950-974 Market Street.

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

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

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

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

WHEREAS, On November 17, 2016, by Motion No. 19780, the Planning Commission affirmed the Department's decision to issue the PMND and approved the project through approval of Planning Code amendments by Resolution No. 19781, a conditional use authorization under Section 303, by Motion No. 19782, and a downtown project authorization under Section 309 of the Planning Code by Motion No. 19783, which constituted the approval actions for the proposed project; and
WHEREAS, By letter to the Clerk of the Board received on December 16, 2016, Victor M. Marquez, of the Marquez Law Group, PC, on behalf of the Transgender Intersex Justice Project, the Saint James Infirmary, and the Q Foundation (Appellants), appealed the Planning Commission approval of the FMND; and

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

WHEREAS, On January 31, 2017, this Board held a duly noticed public hearing to consider the appeal of the FMND filed by Appellants and, following the public hearing, affirmed the Planning Commission's approval of the FMND; and

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

WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors affirmed the Planning Commission's approval of the FMND for the project based on the written record before the Board of Supervisors as well as all of the testimony at the public hearing in support of and opposed to the appeal; and

WHEREAS, The written record and oral testimony in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal of the FMND is in the Clerk of the Board of Supervisors File No. 161365 and is incorporated in this motion as though set forth in its entirety; now, therefore, be it
MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference in this motion, as though fully set forth, the FMND; and, be it

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions set forth in the FMND; and, be it

FURTHER MOVED, That after carefully considering the appeal of the FMND, including the written information submitted to the Board of Supervisors and the public testimony presented to the Board of Supervisors at the hearing on the FMND, this Board concludes that the project qualifies for a FMND and that no fair argument supported by substantial evidence in the record has been presented that the project as proposed would result in any significant impact on the environment.

Clerk of the Board
BOARD OF SUPERVISORS
File Number: 161366  Date Passed: January 31, 2017

Motion affirming the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act, for a proposed project at 950-974 Market Street.

January 31, 2017 Board of Supervisors - APPROVED
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

I hereby certify that the foregoing Motion was APPROVED on 1/31/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board