

1 [Preparation of Findings to Reverse Certification of the 900 Folsom Street Project Final
2 Environmental Impact Report]

3 **Motion directing the Clerk of the Board to prepare findings reversing the certification of**
4 **the Final Environmental Impact Report for the 900 Folsom Street Project.**

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6 WHEREAS, the Project Sponsor proposes to construct a 9-story, 85-foot tall building
7 with ground and basement level parking, with up to 269 dwelling units, approximately 4,146
8 square feet of ground floor commercial space along 5th Street, and up to 221 off-street
9 parking spaces (including stackers) (the "Project"). The eight units on the ground floor fronting
10 Folsom Street would be designed as "Flexible-Occupancy" units that may contain certain
11 commercial uses on the ground floor, as limited in the conditions of approval, while the
12 remainder of the units would be residential. Open space would be provided on private
13 balconies, an inner courtyard, rooftop decks, and a new publicly accessible mid-block
14 pedestrian pathway connecting Folsom and Clementina Streets that will be more than 30 feet
15 wide and would serve as a park; and

16 WHEREAS, the Project Sponsor applied for environmental review for the Project and
17 for approvals under Planning Code Section 329 for a Large Project and for exceptions to rear
18 yard requirements, to sidewalk obstruction requirements, to ground floor parking setback, to
19 required off-street parking spaces, for vertical non-habitable architectural elements, and to
20 horizontal mass reduction requirements (City Planning File 2007.0689EKX); and

21 WHEREAS, The Planning Department ("Department") determined that an
22 Environmental Impact Report ("EIR") was required and provided public notice of that
23 determination by publication in a newspaper of general circulation on June 11, 2008; and

24 WHEREAS, On July 29, 2009, the Department published the Draft Environmental
25 Impact Report ("DEIR"); and

1 WHEREAS, The Planning Commission held a duly advertised public hearing on the
2 DEIR on September 10, 2009, at which time public comment was received on the DEIR and
3 written comments were received through September 15, 2009; and

4 WHEREAS, The Department prepared responses to comments received at the public
5 hearing and in writing during the 45-day public review period for the DEIR, prepared revisions
6 to the text of the DEIR and published a Draft Comments and Responses document on May 6,
7 2010; and

8 WHEREAS, A Final Environmental Impact Report (FEIR) was prepared by the
9 Department, consisting of the DEIR, any consultations and comments received during the
10 review process, any additional information that became available, and the Draft Comments
11 and Responses document, all as required by law; and

12 WHEREAS, On May 20, 2010, the Commission reviewed and considered the FEIR
13 and, by Motion No. 18086, found that the contents of said report and the procedures through
14 which the FEIR was prepared, publicized, and reviewed comply with the provisions of the
15 California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Chapter 31 of
16 the San Francisco Administrative Code; and

17 WHEREAS, By Motion No. 18086, the Commission found the FEIR reflected the
18 independent judgment and analysis of the Department and Commission, was adequate,
19 accurate and objective, and that the Comments and Responses document contained no
20 significant revisions to the DEIR and certified the FEIR, finding that the Project described in
21 the FEIR will not have any project-specific or cumulative significant and unavoidable effects
22 on the environment; and

23 WHEREAS, By Motion No. 18086, the Commission approved the Project, adopting
24 CEQA findings related to the Project approvals and adopting a Mitigation Monitoring and
25 Reporting Program for the Project;

1 WHEREAS, On June 9, 2010, Angelica Cabande, on behalf of South of Market
2 Community Action Network (SOMCAN), and Roy Recio, on behalf of Manilatown Heritage
3 Foundation, filed appeals of the FEIR with the Clerk of the Board of Supervisors; and,

4 WHEREAS, The Board of Supervisors held a public hearing on the Project to review
5 the decision by the Planning Commission to certify the FEIR; and

6 WHEREAS, The Board has reviewed and considered the FEIR, the appeal letter(s), the
7 responses to concerns document that the Planning Department prepared, the other written
8 records before the Board of Supervisors, and heard testimony and received public comment
9 regarding the adequacy of the FEIR; and

10 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
11 reversed the Commission's decision to certify the FEIR for the Project based on the written
12 record before the Board of Supervisors as well as all of the testimony at the public hearing in
13 support of and opposed to the appeal; and

14 WHEREAS, The FEIR files and all correspondence and other documents have been
15 made available for review by the Board of Supervisors, the Commission, and the public, which
16 files are available for public review by appointment at the Department offices at 1650 Mission
17 Street, and are part of the record before the Board of Supervisors; now therefore be it,

18 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the
19 findings specifying the basis for its decision reversing the certification of the FEIR by the
20 Commission for the Project.