

File No. 100587

Committee Item No. _____
Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 05/18/10

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

(Use back side if additional space is needed)

Completed by: Joy Lamug

Date 05/13/10

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

4

(

(

(

1 [Findings to Reverse Certification of the 555 Washington Street Project Final Environmental
2 Impact Report.]

3 **Motion adopting findings reversing the certification by the Planning Commission of the**
4 **Final Environmental Impact Report for the 555 Washington Street Project.**

5
6 WHEREAS, the Project Sponsor proposed demolition of two buildings at 501-505
7 Washington Street and 545 Sansome Street, and construction of a 38-story, approximately
8 390 foot-tall building topped with a mechanical penthouse and architectural screening
9 reaching in height to approximately 430 feet, which building would contain approximately
10 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of
11 ground-floor retail space, and four levels of subsurface parking with 215 parking spaces plus 2
12 car share spaces, and which project would also include vacation of Mark Twain Alley and
13 conveyance of the surface of Redwood Park to the City and County of San Francisco as a
14 public park (the "Project"); and

15
16 WHEREAS, the Project Sponsor applied for environmental review for the Project and
17 for approvals including an increase in the cumulative shadow limits for Maritime Plaza and
18 Sue Bierman Park, a shadow impact determination under Section 295 of the Planning Code,
19 conveyance of the surface of Redwood Park to the City and County of San Francisco,
20 General Plan consistency determination, amendments to the height and bulk maps of the
21 Planning Code and General Plan, various exceptions under Section 309 of the Planning
22 Code, an open space variance; and vacation of Mark Twain Alley (City Planning File
23 2002.0133EMRKXV); and

24
25 WHEREAS, The Planning Department ("Department") determined that an
Environmental Impact Report ("EIR") was required and provided public notice of that

1 determination by publication in a newspaper of general circulation on November 27, 2007;
2 and

3 WHEREAS, On March 25, 2009, the Department published the Draft Environmental
4 Impact Report ("DEIR"); and

5 WHEREAS, The Planning Commission held a duly advertised public hearing on the
6 DEIR on May 7, 2009, at which time public comment was received on the DEIR and written
7 comments were received through May 18, 2009; and

8 WHEREAS, The Department prepared responses to comments received at the public
9 hearing and in writing during the 54-day public review period for the DEIR, prepared revisions
10 to the text of the DEIR and published a Draft Comments and Responses document on
11 January 7, 2010; and

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

16 WHEREAS, On March 18, 2010, the Commission reviewed and considered the FEIR
17 and, by Motion No. 18046, found that the contents of said report and the procedures through
18 which the FEIR was prepared, publicized, and reviewed comply with the provisions of the
19 California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Chapter 31 of
20 the San Francisco Administrative Code; and

21 WHEREAS, By Motion No. 18046, the Commission found the FEIR reflected the
22 independent judgment and analysis of the Department and Commission, was adequate,
23 accurate and objective, and that the Comments and Responses document contained no
24 significant revisions to the DEIR and certified the FEIR, finding that the Project described in
25 the FEIR will have a project-specific unavoidable significant effect on the environment on

Supervisors David Chiu, Chris Daly, Ross Mirkarimi, David Campos, Eric Mar and John Avalos
BOARD OF SUPERVISORS

1 historical resources in that it would demolish a potentially significant historic building at 545
2 Sansome Street, and

3 WHEREAS, On April 2, 2010, Sue Hester, on behalf of San Franciscan's for
4 Reasonable Growth, and Vedica Puri, on behalf of Telegraph Hill Dwellers, filed appeals of
5 the FEIR with the Clerk of the Board of Supervisors; and,

6 WHEREAS, The Board of Supervisors held a public hearing and conducted its own
7 independent review of the FEIR; and

8 WHEREAS, The Board has considered anew all facts, evidence and issues related to
9 the adequacy, accuracy and objectiveness of the FEIR, including, but not limited to the
10 sufficiency of the FEIR as an informational document and the correctness of its conclusions,
11 and the Planning Commission's certification of the EIR; and

12 WHEREAS, The Board has reviewed and considered the FEIR, the appeal letter(s), the
13 responses to concerns document that the Planning Department prepared, the other written
14 records before the Board of Supervisors, as well as new facts, evidence and issues that were
15 not introduced before the Planning Commission or the Environmental Review Officer, and
16 heard testimony and received public comment regarding the adequacy, accuracy and
17 objectiveness of the FEIR; and

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

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

Supervisors David Chiu, Chris Daly, Ross Mirkarimi, David Campos, Eric Mar and John Avalos
BOARD OF SUPERVISORS

1 MOVED, That this Board of Supervisors finds that the FEIR is not adequate, accurate
2 and objective, and that its conclusions are incorrect, and that the findings contained in the
3 Planning Commission's Motion No. 18046 certifying the FEIR are incorrect, and reverses the
4 action of the Planning Commission; and be it

5 FURTHER MOVED, That this Board of Supervisors adopts the following specific
6 findings specifying the basis for its decision reversing the certification of the FEIR by the
7 Commission for the Project, and remands the FEIR to the Planning Commission for further
8 actions consistent with these findings and direction by this Board of Supervisors: The FEIR
9 lacks objectivity and is so fundamentally and basically inadequate and conclusory in nature
10 that meaningful public review and comment were precluded;

- 11 • The FEIR's conclusion that the Project would not have a significant
12 environmental impact on land use is incorrect and should be revised to conclude
13 that the Project would have significant environmental impacts as reflected in its
14 inconsistencies with City plans, policies & zoning adopted for the purpose of
15 avoiding environmental impacts, specifically including those regulating height
16 limits, protecting sunlight on parks and open spaces, regulating wind speeds,
17 and protecting historic resources; in particular the increase in height from 200 ft
18 to 400 ft and increasing the development envelope by including both Mark Twain
19 Alley and Redwood Park in the Floor Area Ratio calculations;
- 20 • The FEIR's conclusions that the Project would not have a significant
21 environmental impact on each of the following is incorrect and should be revised
22 to conclude that the Project:
 - 23 • Would have a significant impact on aesthetics, as the project would cause
24 material degradation in the quality of the City's significant visual resources
25 including the Transamerica Pyramid and the historic districts in the area,

1 including but not limited to the Jackson Square Historic District, as well as visual
2 impacts caused by the Project's inconsistency with other heights in the area;

3 • Would have significant cumulative impacts on transportation and parking
4 because of the excessive number of off-street parking spaces, a second garage
5 entrance, off street loading exceptions, and impacts from queuing that have not
6 been adequately mitigated;

7 • Would have significant cumulative shadow impacts on parks and open
8 spaces including Sue Bierman (Ferry) Park, Maritime Plaza, Redwood Park,
9 Sidney Walton Plaza, as well as on Jackson Square sidewalks;

10 • Would have significant wind impacts, including hazard wind speeds which
11 were not accurately and adequately evaluated; and

12 • Shadow impacts of the Project on Redwood Park were inadequately and
13 incompletely analyzed in the FEIR and this Board of Supervisors directs that
14 Redwood Park be fully and completely analyzed as a Proposition K park, using
15 the quantitative Proposition K-type analysis in the assessment of the Project's
16 shadows on Redwood Park;

17 • The FEIR failed to analyze the potentially significant cumulative environmental
18 impacts of Planning Commission's Motions 18048 and 18049 and Recreation &
19 Park Commission Resolution adopted on March 18, 2010, which amended and
20 reduced protections in the City's adopted rules and criteria for determinations of
21 significant shadows in City parks pursuant to Proposition K adopted by Planning
22 Commission Resolution No. 11595 on February 7, 1989;

23 • The FEIR failed to analyze or respond to comments on negative impacts to
24 nearby LEED certified buildings caused by the Project's shadows;

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- The Project description should be finite and stable to enable the public and decision makers to understand fully the Project being proposed and to provide an opportunity to completely and adequately evaluate the impacts of the Project;
 - The FEIR does not contain an adequate statement of Project Objectives or underlying purposes of the Project and should be clarified and broadened to ensure that a reasonable range of project alternatives and an adequate alternatives analysis may be undertaken;
 - The FEIR does not contain a reasonable range of project alternatives; in particular a Code-Complying Alternative should be analyzed that would comply with the existing height limit, cast no new shadows on Proposition K parks, reduce wind speeds and eliminate all wind hazard exceedances, and eliminate Mark Twain Alley and Redwood Park from the FAR calculations;
 - Housing impacts of the Project should be more fully evaluated, including an analysis of the Project's consistency with the Housing Element;
 - Cumulative analysis of wind, shadow and aesthetic impacts in the area should be undertaken and/or further developed in light of other developments in the area.
 - The environmental impacts of any revised project proposed by project sponsor should be analyzed fully and completely, consistent with each of the findings set forth above, and recirculated as a draft EIR for public review and comment; and be it

22 FURTHER MOVED, That this motion supersedes the previous motion directing the
23 Clerk of the Board to prepare findings.