

File No. 130310

Committee Item No. _____
Board Item No. 21

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date 5/7/13

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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Completed by: Lynne Horne Date 5/2/13
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document can be found in the file.

1 [Reversing FEIR Certification - 706 Mission Street -The Mexican Museum and Residential
2 Tower Project]

3 **Motion reversing the certification by the Planning Commission of the Final**
4 **Environmental Impact Report for the 706 Mission Street - The Mexican Museum and**
5 **Residential Tower Project.**

6
7 WHEREAS, The project site is on the northwest corner of Third and Mission Streets,
8 near the southern edge of San Francisco's Financial District neighborhood, and consists of
9 three lots: the entirety of Assessor's Block No. 3706, Lots Nos. 093 and 275, and portions of
10 Assessor's Block No. 3706, Lot No. 277. Together, these lots cover an area of approximately
11 63,468 square feet or approximately 1.45 acres. The eastern portion of the project site is
12 occupied by the 10-story, 154-foot-tall Aronson Building (a 144-foot-tall building with a 10-foot-
13 tall mechanical penthouse). The historically important Aronson Building has a retail use on the
14 ground floor and office uses on the floors above. The western portion of the project site is
15 vacant at the surface, and this location has been chosen as the future permanent home of
16 The Mexican Museum. Below grade, the western portion of the project site contains a two-
17 level, double-height, approximately 18,000-gsf vacant structure that was constructed when the
18 Jessie Square Garage was originally built. The project site includes the four-level Jessie
19 Square Garage, which is underneath Jessie Square. The garage has 442 parking spaces and
20 is open to the public. The project site does not include the at-grade Jessie Square plaza,
21 which is adjacent to and west of the project site; and

22
23 WHEREAS, The proposed Project consists of the construction of a new 47-story, 550-
24 foot-tall tower (a 520-foot-tall building with a 30-foot-tall elevator/mechanical penthouse), with
25 two floors below grade. The new tower would be adjacent to and physically connected to the

1 Aronson Building, which would be restored and rehabilitated as part of the Project. The
2 Project would include a mix of residential, museum, restaurant/retail, and possibly office uses.
3 The new tower would contain up to 215 residential units in 43 floors of residential space,
4 including mechanical areas, and 4 floors of museum space. The Aronson Building's existing
5 retail and office uses on the ground through tenth floors and basement-level storage and utility
6 space would be reconfigured under the proposed project. Under the Project, the Aronson
7 Building would contain retail/restaurant space on the ground floor and museum space on the
8 second and third floors. In addition, two flex space options are proposed for the fourth through
9 tenth floors of the Aronson Building. The residential flex option would convert these seven
10 floors from office use to up to 28 residential units, and the office flex option would continue
11 their use as office space. The Mexican Museum would occupy the ground through fourth
12 floors of the proposed tower and the second and third floors and possibly some of the ground
13 floor of the Aronson Building; and

14 WHEREAS, The existing Jessie Square Garage would provide parking for the Project.
15 As part of the proposed project, the Commission on Community Investment and Infrastructure
16 and its Oversight Board, in addition to the San Francisco Municipal Transportation Agency
17 (SFMTA) and the SFMTA Board of Directors, which have jurisdiction over City-owned parking
18 garages, would convey the Jessie Square Garage and its entrance ramp to the project
19 sponsor. The garage would be converted from a publicly-owned garage to a privately-owned
20 garage. The total number of parking spaces in the Jessie Square Garage would increase from
21 442 to 470 with the Project. In addition to the proposed project, seven vehicular access
22 variants were analyzed for the proposed project in the EIR. The vehicular access variants
23 differ from the Project in how vehicles enter and exit the project site and the Jessie Square
24 Garage; and

1 WHEREAS, The Planning Department determined that an environmental impact report
2 was required for the Project and prepared a Notice of Preparation ("NOP") of an
3 Environmental Impact Report on April 13, 2011. The NOP was circulated for 30 days for
4 public comment and review; and

5 WHEREAS, On June 27, 2012, the Department published the Draft Environmental
6 Impact Report ("DEIR") for the Project (Planning Department Case No. 2008.1084E); and

7 WHEREAS, The Planning Commission held a duly advertised public hearing on the
8 DEIR, on August 2, 2012, at which time opportunity for public comment was provided on the
9 DEIR, and written comments were received through August 13, 2012; and

10 WHEREAS, The Department prepared responses to comments received at the public
11 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
12 of the DEIR and published a Comments and Responses Document on March 7, 2013; and

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

17 WHEREAS, On March 21, 2013, the Planning Commission reviewed and considered
18 the FEIR and, by Motion No. 18829 found that the contents of said report and the procedures
19 through which the FEIR was prepared, publicized and reviewed complied with the provisions
20 of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and
21 Chapter 31 of the San Francisco Administrative Code; and

22 WHEREAS, By Motion No. 18829 the Commission found the FEIR to be adequate,
23 accurate and objective, reflected the independent judgment and analysis of the Department
24 and the Commission and that the Comments and Responses document contained no
25 significant revisions to the DEIR, adopted findings relating to significant impacts associated

1 with the Project and certified the completion of the FEIR in compliance with CEQA and the
2 State CEQA Guidelines; and

3 WHEREAS, By letter to the Clerk of the Board of Supervisors dated April 2, 2013, from
4 Thomas N. Lippe of Lippe Gaffney Wagner LLP, on behalf of 765 Market Street Residential
5 Owners Association, by letter to the Clerk of the Board of Supervisors dated March 29, 2013
6 but received by the Clerk of the Board of Supervisors on April 9, 2013, from Susan Brandt –
7 Hawley of Brandt-Hawley Law Group, on behalf of Tenants and Owners Development
8 Corporation and Yerba Buena Neighborhood Consortium LLC (TODCO and YBNC), and by
9 letter to the Clerk of the Board of Supervisors dated April 10, 2013 from Thomas N. Lippe of
10 Lippe Gaffney Wagner LLP, on behalf of Friends of Yerba Buena, Paul Sedway, Ron Wornick,
11 Matthew Schoenberg, Joe Fang, and Margaret Collins, (collectively "Appellants") filed an
12 appeal of the FEIR to the Board of Supervisors; and

13 WHEREAS, On May 7, 2013, this Board held a duly noticed public hearing to consider
14 the appeal of the FEIR certification filed by Appellant; and

15 WHEREAS, This Board has reviewed and considered the FEIR, the appeal letters, the
16 responses to concerns documents that the Planning Department prepared, the other written
17 records before the Board of Supervisors, and heard testimony and received public comment
18 regarding the adequacy of the FEIR; and

19 WHEREAS, The FEIR files and all correspondence and other documents have been
20 made available for review by this Board and the public. These files are available for public
21 review by appointment at the Planning Department offices at 1650 Mission Street, and are
22 part of the record before this Board by reference in this Motion; now, therefore, be it

23 MOVED, That this Board of Supervisors reverses the certification of the FEIR by the
24 Planning Commission.

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