

File No. 180654

Committee Item No. \_\_\_\_\_

Board Item No. 19

## COMMITTEE/BOARD OF SUPERVISORS

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Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 4, 2018

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Prepared by: Jocelyn Wong

Date: August 30, 2018

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification -  
2 Central SoMa Plan]

3 **Motion directing the Clerk of the Board to prepare findings related to reversing the**  
4 **Planning Commission’s certification of the Final Environmental Impact Report**  
5 **prepared for the proposed Central SoMa Plan.**

6  
7 WHEREAS, The proposed Central South of Market Area Plan (“Central SoMa Plan” or  
8 “Project”) is a comprehensive plan for the area surrounding much of the southern portion of  
9 the Central Subway transit line, a 1.7-mile extension of the Third Street light rail line that will  
10 link the Caltrain Depot at Fourth and King Streets to Chinatown and provide service within the  
11 South of Market (“SoMa”) area; and

12 WHEREAS, The Plan Area is bounded by Second Street on the east, Sixth Street on  
13 the west, Townsend Street on the south, and an irregular border to the north that generally  
14 jogs along Folsom, Howard, and Stevenson streets and represents the border of the  
15 Downtown Plan Area, and includes roughly 230 acres that comprise 17 city blocks, as well as  
16 the streets and thoroughfares that connect SoMa to adjacent neighborhoods; and

17 WHEREAS, The Project includes street network changes throughout the Plan Area,  
18 including specific designs within, and in some cases beyond, the Plan Area for the following  
19 streets: Howard, Folsom, Harrison, Bryant, Brannan, Third, and Fourth streets, as well as  
20 open space improvements outside of the Plan Area; and

21 WHEREAS, As envisioned by the Planning Department, the Central SoMa Plan  
22 endeavors to address the social, economic, and environmental aspects of sustainability  
23 through a planning strategy that accommodates anticipated population and job growth,  
24 provides public benefits, and respects and enhances neighborhood character; and  
25

1           WHEREAS, The Project seeks to encourage and accommodate housing and  
2 employment growth by: (1) removing land use restrictions to support a greater mix of uses  
3 while also emphasizing office uses in portions of the Plan Area; (2) amending height and bulk  
4 districts to allow for taller buildings; (3) modifying the system of streets and circulation within  
5 and adjacent to the Plan Area to meet the needs and goals of a dense, transit-oriented,  
6 mixed-use district; and (4) creating new, and improving existing, open spaces; and

7           WHEREAS, Central SoMa Plan policies include a call for public realm improvements,  
8 including planning for new open spaces; changes to the street and circulation system; policies  
9 to preserve neighborhood character and historic structures; and strategies that aim to improve  
10 public amenities and make the neighborhood more sustainable; and

11           WHEREAS, The Project also includes financial programs to support its public  
12 improvements through the implementation of one or more new fees, in addition to taxes or  
13 assessments on subsequent development projects; and

14           WHEREAS, The Planning Department determined that an Environmental Impact  
15 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of  
16 that determination by publication in a newspaper of general circulation on April 24, 2013; and

17           WHEREAS, The Draft EIR was published on December 14, 2016, and circulated to  
18 governmental agencies and to interested organizations and individuals for a 60-day public  
19 review period that began December 14, 2016, and concluded on February 13, 2017; and

20           WHEREAS, The Planning Commission held a public hearing on the Draft EIR on  
21 January 26, 2017, and planning commissioners, organizational representatives, and  
22 individuals made oral comments at that hearing; and

23           WHEREAS, The Draft EIR analyzed the proposed Central SoMa Plan, which consists  
24 of the proposed goals, objectives, policies, and implementation measures contained in the  
25

1 August 2016 draft of the Central SoMa Plan, as well as later modifications to various aspects  
2 of the Plan based upon feedback from the community and decision makers; and

3 WHEREAS, In addition to the Central SoMa Plan, the Draft EIR analyzed several  
4 components that were not specifically included as part of the Central SoMa Plan, including  
5 greater heights for certain parcels on Blocks 3733, 3762, 3776, 3777, 3785, and 3786; height  
6 reductions on the site of Moscone Convention Center (north and south of Howard Street);  
7 open space improvements outside the Plan Area, on Ambrose Bierce Street, Annie Street,  
8 Jessie Street East, and Shipley Street; and the street network changes noted above; and

9 WHEREAS, The Draft EIR contains a “program” level analysis, pursuant to  
10 Section 15168 of the CEQA Guidelines, 14 Cal. Code of Regs., Section 15000 *et seq.*  
11 (“CEQA Guidelines”), for adoption and implementation of the Plan, as well as a “project” level  
12 analysis pursuant to CEQA Guidelines, Section 15161 for street network changes and open  
13 space improvements; and

14 WHEREAS, The Department prepared a Responses to Comments (“RTC”) document  
15 that includes responses to comments on environmental issues received at the Draft EIR  
16 public hearing that was held on January 26, 2017, and in writing during the 60-day public  
17 review period for the Draft EIR, as well as text changes or revisions that were proposed in  
18 response to comments received or based on additional information that became available  
19 during the public review period and that represent a refinement or clarification to the text of  
20 the EIR; and

21 WHEREAS, The RTC document was published on March 28, 2018, distributed to the  
22 Planning Commission and all parties who commented on the Draft EIR, and made available to  
23 others upon request at the Department offices; and

24 WHEREAS, Following publication of the RTC document, the legislative sponsors  
25 proposed modifications to various aspects of the Plan based upon feedback from the

1 community and decision makers and, on April 5, 2018, the Department issued errata to the  
2 EIR that analyzed the Plan changes that occurred after February 15, 2018, revised Mitigation  
3 Measure M-CP-1a, and made a minor correction to the Draft EIR; and

4 WHEREAS, After the issuance of the first errata, the Department determined that it  
5 was necessary to update the Central SoMa Plan Final EIR certification date, provide an  
6 analysis of additional changes to the Central SoMa Plan's proposed height and zoning maps  
7 for Assessor Parcel Block No. 3763, Lot Nos. 112 and 113 that was included in substitute  
8 legislation introduced on April 10, 2018, clarify the application of EIR mitigation measures to  
9 subsequent development projects, amend mitigation measures, include a list of approvals for  
10 the Housing Sustainability District Ordinance, and evaluate a list of recommended and other  
11 potential changes to the Central SoMa Plan included in the May 3, 2018, Planning  
12 Commission packet; and

13 WHEREAS, In a second errata to the EIR, issued on May 9, 2018, the Department  
14 determined that these proposed modifications would not result in new significant  
15 environmental impacts or substantially increase the severity of a significant impact identified in  
16 the Draft EIR, as modified by the RTC document, no new mitigation measures would be  
17 necessary, and these modifications to the Project description and additional revisions to the  
18 EIR do not change any of the conclusions in the Draft EIR, as modified by the RTC document,  
19 and do not constitute significant new information that requires recirculation of the Draft EIR  
20 under CEQA, Section 21092.1, and CEQA Guidelines, Section 15088.5; and

21 WHEREAS, On May 10, 2018, the Planning Commission, by Motion No. 20182,  
22 certified a Final Environmental Impact Report ("Final EIR") for the proposed Project under  
23 CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding  
24 that the Final EIR reflects the independent judgment and analysis of the City and County of  
25

1 San Francisco, that it is adequate, accurate and objective, and contains no significant  
2 revisions to the Draft EIR; and

3 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
4 June 8, 2018, from Richard Drury on behalf of Central SoMa Neighbors and SFBlu, and by  
5 letters to the Clerk of the Board, received by the Clerk's Office on June 11, 2018, from Phillip  
6 Babich on behalf of One Vassar LLC, Angelica Cabande on behalf of the South of Market  
7 Community Action Network ("SOMCAN"), and John Elberling on behalf of the Yerba Buena  
8 Neighborhood Consortium ("YBNC") (collectively, "Appellants"), Appellants appealed the Final  
9 EIR certification; and

10 WHEREAS, The Planning Department's Environmental Review Officer, by  
11 memorandum to the Clerk of the Board dated June 14, 2018, determined that the appeals had  
12 been timely filed; and

13 WHEREAS, On July 17, 2018, this Board held a duly noticed public hearing to consider  
14 the appeals of the Final EIR certification filed by Appellants and, following the public hearing,  
15 conditionally reversed the Final EIR certification, subject to the adoption of written findings in  
16 support of such determination; and

17 WHEREAS, In reviewing the appeals of the Final EIR certification, this Board reviewed  
18 and considered the determination, the appeal letters, the responses to the appeal documents  
19 that the Planning Department prepared, the other written records before the Board of  
20 Supervisors and all of the public testimony made in support of and opposed to the appeals;  
21 and

22 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
23 conditionally reversed the Final EIR certification, subject to the adoption of written findings of  
24 the Board in support of such determination, based on the written record before the Board of  
25

1 Supervisors as well as all of the testimony at the public hearing in support of and opposed to  
2 the appeals; and

3 WHEREAS, The written record and oral testimony in support of and opposed to the  
4 appeals and deliberation of the oral and written testimony at the public hearing before the  
5 Board of Supervisors by all parties and the public in support of and opposed to the appeals of  
6 the Final EIR certification is in the Clerk of the Board of Supervisors File No. 180651 and is  
7 incorporated in this motion as though set forth in its entirety; now therefore be it

8 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
9 findings specifying the basis for its decision on the appeals of the Planning Commission's  
10 certification of the Final EIR for the Project.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Preparation of Findings to Reverse the Final Environmental Impact Report Certification - Central SoMa Plan

The text is listed:

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report for the proposed Pier 70 Mixed-Use District Project.

Signature of Sponsoring Supervisor:

*Peggy Nevin for Angela Calvillo*

For Clerk's Use Only