

1 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification -  
2 Proposed Project at 450-474 O'Farrell Street and 532 Jones Street]

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 project at 450-474 O'Farrell Street and 532 Jones Street.**

6  
7 WHEREAS, The project at 450-475 O'Farrell Street/532 Jones Street ("450 O'Farrell  
8 Project" or "Project") proposes the demolition of the existing Fifth Church of Christ, Scientist  
9 church building (450 O'Farrell Street), the vacant retail building along O'Farrell Street (474  
10 O'Farrell Street), and the restaurant and residential building along Jones Street (532 Jones  
11 Street) and construction of a new 13-story, 130-foot-tall (excluding a 20-foot-tall elevator  
12 penthouse) mixed-use building with up to 176 dwelling units, including 28 below-market-rate  
13 units, restaurant/retail space on a portion of the ground floor, and a replacement church on  
14 the ground floor and two upper levels facing O'Farrell Street; and

15 WHEREAS, The Project would construct a total of 228,764 square feet of new  
16 development in one building, including up to 184,168 square feet for residential use, 4,577  
17 square feet for restaurant and/or retail use, 9,555 square feet for religious institution use to  
18 replace the existing church, 8,359 square feet of open space on two levels, and 22,105  
19 square feet of below-grade parking (including 46 vehicle spaces, 125 Class 1 bicycle, and 16  
20 Class 2 bicycle spaces); and

21 WHEREAS, The Planning Department determined that an Environmental Impact  
22 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of  
23 that determination by publication in a newspaper of general circulation on February 22, 2017;  
24 and

1           WHEREAS, The Draft EIR was published on October 25, 2017, and circulated to  
2 governmental agencies and to interested organizations and individuals for a 47-day review  
3 period that started on October 25, 2017 and ended on December 11, 2017; and

4           WHEREAS, The Planning Commission held a public hearing on the Draft EIR on  
5 November 30, 2017, and planning commissioners, organizational representatives, and  
6 individual members of the public made oral comments at that hearing; and

7           WHEREAS, The Planning Department prepared a Responses to Comments (“RTC”)  
8 document, published on June 13, 2018, distributed to the Planning Commission and all parties  
9 who commented on the Draft EIR, and made available to others upon request at the Planning  
10 Department offices; and

11           WHEREAS, The RTC included responses to comments on environmental issues  
12 received at the Draft EIR public hearing that was held on November 30, 2017, and in writing  
13 during the 47-day public review period for the Draft EIR, as well as text changes or revisions  
14 that were proposed to the Project, in response to comments received or based on additional  
15 information that became available during the public review period and that represent a  
16 refinement or clarification to the text of the EIR; and

17           WHEREAS, The comments and revisions addressed in the RTC did not identify new  
18 significant impacts or a substantial increase in the severity of previously identified impacts, nor  
19 did they identify feasible project alternatives or mitigation measures that are considerably  
20 different from those analyzed in the Draft EIR and that the Project sponsor has not agreed to  
21 implement, and no significant new information that would require recirculation of the Draft EIR  
22 under Section 21092.1 of CEQA, California Public Resources Code, Section 21000 et seq.  
23 (“CEQA”) and CEQA Guidelines, Section 15088.5 was identified; and

24           WHEREAS, On September 13, 2018, the Planning Commission, by Motion No. 20279,  
25 certified a Final Environmental Impact Report (“Final EIR”) for the proposed Project under

1 CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding  
2 that the Final EIR reflects the independent judgment and analysis of the City and County of  
3 San Francisco, that it is adequate, accurate and objective, and contains no significant  
4 revisions to the Draft EIR; and

5 WHEREAS, By letters to the Clerk of the Board by Sarah M. K. Hoffman, on behalf of  
6 540 Jones Street Hotel LLC, and Mike Buhler, on behalf of San Francisco Heritage  
7 (collectively, "Appellants"), received by the Clerk's Office on October 15, Appellants appealed  
8 the Final EIR certification; and

9 WHEREAS, The Planning Department's Deputy Environmental Review Officer, by  
10 memorandum to the Clerk of the Board dated October 23, 2018, determined that the appeals  
11 had been timely filed; and

12 WHEREAS, On November 13, 2018, this Board held a duly noticed public hearing to  
13 consider the appeals of the Final EIR certification filed by Appellants and, following the public  
14 hearing, the Board of Supervisors affirmed the Planning Commission's certification of the  
15 Final EIR based on the written record before the Board of Supervisors as well as all of the  
16 testimony at the public hearing in support of and opposed to the appeals; and

17 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
18 conditionally reversed the Final EIR certification, subject to the adoption of written findings of  
19 the Board in support of such determination, based on the written record before the Board of  
20 Supervisors as well as all of the testimony at the public hearing in support of and opposed to  
21 the appeals; and

22 WHEREAS, The written record and oral testimony in support of and opposed to the  
23 appeals and deliberation of the oral and written testimony at the public hearing before the  
24 Board of Supervisors by all parties and the public in support of and opposed to the appeals of  
25

1 the Final EIR certification is in the Clerk of the Board of Supervisors File No. 180993 and is  
2 incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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