

File No. 180653

Committee Item No. _____

Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 11, 2018

Cmte Board

- Motion
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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Grant Information Form
- Grant Budget
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- Form 126 – Ethics Commission
- Award Letter
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- Public Correspondence

OTHER

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Prepared by: Brent Jalipa

Date: September 6, 2018

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Final Environmental Impact Report Certification - Central SoMa
2 Plan]

3 **Motion conditionally reversing the Planning Commission’s certification of the Final**
4 **Environmental Impact Report prepared for the proposed Central SoMa Plan, subject to**
5 **the adoption of written findings of the Board of Supervisors in support of this**
6 **determination.**

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

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

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

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

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 section
10 15168 of the CEQA Guidelines, 14 Cal. Code of Regs., Section 15000 *et seq.* (“CEQA
11 Guidelines”), for adoption and implementation of the Plan, as well as a “project” level analysis
12 pursuant to CEQA Guidelines, Section 15161 for street network changes and open space
13 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's 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 June
4 8, 2018 from Richard Drury on behalf of Central SoMa Neighbors and SFBlu, and by letters to
5 the Clerk of the Board, received by the Clerk's Office on June 11, 2018 from Phillip Babich on
6 behalf of One Vassar LLC, Angelica Cabande on behalf of the South of Market Community
7 Action Network ("SOMCAN"), and John Elberling on behalf of the Yerba Buena Neighborhood
8 Consortium ("YBNC") (collectively, "Appellants"), Appellants appealed the Final EIR
9 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 September 11, 2018, this Board held a duly noticed public hearing to
14 consider the appeals of the Final EIR certification filed by Appellants and, following the public
15 hearing, conditionally reversed the Final EIR certification, subject to the adoption of written
16 findings in support of such determination; and

17 WHEREAS, In reviewing the appeals of the Final EIR certification, this Board reviewed
18 and considered the Final EIR, including the Draft EIR, the RTC, the April 5, 2018, and May 10,
19 2018 errata, the appeal letters, the responses to the appeal documents that the Planning
20 Department prepared, the other written records before the Board of Supervisors and all of the
21 public testimony made in support of and opposed to the appeals; and

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

1 written record before the Board of Supervisors as well as all of the testimony at the public
2 hearing in support of and opposed to the appeal; 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 is
6 in the Clerk of the Board of Supervisors File No. 180651 and is incorporated in this motion as
7 though set forth in its entirety; now therefore be it

8 MOVED, That this Board of Supervisors conditionally reverses the certification of the
9 Final EIR by the Planning Commission, subject to the adoption of written findings of the Board
10 in support of this determination.

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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:

Conditionally Reversing the Final Environmental Impact Report Certification - Central SoMa Plan

The text is listed:

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed Central SoMa Plan, subject to the adoption of written findings of the Board of Supervisors in support of this determination.

Signature of Sponsoring Supervisor: *leggy Terin for Angela Calvillo*

For Clerk's Use Only