

File No. 180652

Committee Item No. _____
Board Item No. 40

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____
Board of Supervisors Meeting

Date: _____
Date: September 25, 2018

Cmte Board

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- Form 126 – Ethics Commission
- Award Letter
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OTHER

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Prepared by: Brent Jalipa
Prepared by: _____

Date: September 20, 2018
Date: _____

1 [Affirming the Final Environmental Impact Report Certification - Central SoMa Plan]

2
3 **Motion affirming the Planning Commission’s certification of the Final Environmental**
4 **Impact Report prepared for the proposed Central SoMa Plan.**

5
6 WHEREAS, The proposed Central South of Market Area Plan (“Central SoMa Plan” or
7 “Project”) is a comprehensive plan for the area surrounding much of the southern portion of
8 the Central Subway transit line, a 1.7-mile extension of the Third Street light rail line that will
9 link the Caltrain Depot at Fourth and King Streets to Chinatown and provide service within the
10 South of Market (“SoMa”) area; and

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

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

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

24 WHEREAS, The Project seeks to encourage and accommodate housing and
25 employment growth by: (1) removing land use restrictions to support a greater mix of uses

1 while also emphasizing office uses in portions of the Plan Area; (2) amending height and bulk
2 districts to allow for taller buildings; (3) modifying the system of streets and circulation within
3 and adjacent to the Plan Area to meet the needs and goals of a dense, transit-oriented,
4 mixed-use district; and (4) creating new, and improving existing, open spaces; and

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

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

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

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

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

21 WHEREAS, The Draft EIR analyzed the proposed Central SoMa Plan, which consists
22 of the proposed goals, objectives, policies, and implementation measures contained in the
23 August 2016 draft of the Central SoMa Plan, as well as later modifications to various aspects
24 of the Plan based upon feedback from the community and decision makers; and
25

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

7 WHEREAS, The Draft EIR contains a “program” level analysis, pursuant to section
8 15168 of the CEQA Guidelines, 14 Cal. Code of Regs. § 15000 *et seq.* (“CEQA Guidelines”),
9 for adoption and implementation of the Plan, as well as a “project” level analysis pursuant to
10 CEQA Guidelines section 15161 for street network changes and open space improvements;
11 and

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

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

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

4 WHEREAS, Following publication of the RTC document, the legislative sponsors
5 proposed modifications to various aspects of the Plan based upon feedback from the
6 community and decision makers and, on April 5, 2018, the Department issued errata to the
7 EIR that analyzed the Plan changes that occurred after February 15, 2018, revised Mitigation
8 Measure M-CP-1a, and made a minor correction to the Draft EIR; and

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

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

1 WHEREAS, On May 10, 2018, the Planning Commission, by Motion No. 20182,
2 certified a Final Environmental Impact Report (“Final EIR”) for the proposed Project under
3 CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding
4 that the Final EIR reflects the independent judgment and analysis of the City and County of
5 San Francisco, that it is adequate, accurate and objective, and contains no significant
6 revisions to the Draft EIR; and

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

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

17 WHEREAS, On September 25, 2018, this Board held a duly noticed public hearing to
18 consider the appeals of the Final EIR certification filed by Appellants and, following the public
19 hearing, the Board of Supervisors affirmed the Planning Commission’s certification of the
20 Final EIR based on the written record before the Board of Supervisors as well as all of the
21 testimony at the public hearing in support of and opposed to 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. 180651 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 hereby affirms the decision of the Planning
4 Commission in its Motion No. 20182 to certify the Final EIR and finds the Final EIR to be
5 complete, adequate, and objective and reflecting the independent judgment of the City and in
6 compliance with CEQA, the CEQA Guidelines, and San Francisco Administrative Code,
7 Chapter 31; and, be it

8 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
9 record before it there are no substantial project changes, no substantial changes in project
10 circumstances, and no new information of substantial importance that would change the
11 conclusions set forth in the Final EIR; and, be it

12 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
13 record before it there is no significant new information that would require recirculation of the
14 Final EIR under Section 21092.1 of CEQA and CEQA Guidelines, Section 15088.5.

Print Form

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:

Affirming the Final Environmental Impact Report Certification - Central SoMa Plan

The text is listed:

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed Central SoMa Plan.

Signature of Sponsoring Supervisor: *Peggy Neron for Angela Calvillo*

For Clerk's Use Only