

File No. 170814

Committee Item No. _____

Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 5, 2017

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <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 checked="" 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Brent Jalipa

Date: August 31, 2017

Prepared by: _____

Date: _____

1 [Conditionally Reversing Final Environmental Impact Report Certification - 1500-1540 Market
2 Street (One Oak Street)]

3 **Motion conditionally reversing the Planning Commission's certification of the Final**
4 **Environmental Impact Report for the proposed project at 1500-1540 Market Street (One**
5 **Oak Street), subject to the adoption of written findings of the Board in support of this**
6 **determination.**

7
8 WHEREAS, The proposed project at 1500-1540 Market Street (also referred to as the
9 "One Oak Street Project" or "Project") proposes to demolish all existing structures on the
10 project site at 1500-1540 Market Street and construct a new 304-unit, 40-story residential
11 tower with ground-floor commercial space, one off-street loading space, a subsurface parking
12 garage containing 136 spaces for residents and two service vehicle spaces, bicycle parking
13 accommodating 304 Class 1 and 62 Class 2 spaces, a public plaza and shared public way
14 within the Oak Street right-of-way, several wind canopies within the proposed plaza, and one
15 wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to
16 reduce pedestrian-level winds; and

17 WHEREAS, The Planning Department determined that an Environmental Impact
18 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of
19 that determination by publication in a newspaper of general circulation on June 17, 2015.; and

20 WHEREAS, The Planning Department published a Draft EIR for the proposed Project
21 on November 16, 2016, and circulated to local, state, and federal agencies and to interested
22 organizations and individuals for a 55-day public review period; and

23 WHEREAS, The Planning Commission held a public hearing on the Draft EIR on
24 January 5, 2017; and

1 WHEREAS, The Planning Department prepared a Responses to Comments document
2 (RTC), responding to all comments received orally at the public hearings and in writing, and
3 published the RTC on June 1, 2017; and

4 WHEREAS, On June 15, 2017, the Planning Commission, by Motion No. 19938,
5 certified a Final Environmental Impact Report (Final EIR) for the proposed Project under the
6 California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.,
7 the CEQA Guidelines, 14 California Code of Regulations, Section 15000 et seq., and San
8 Francisco Administrative Code Chapter 31, finding that the Final EIR reflects the independent
9 judgment and analysis of the City and County of San Francisco, that it is adequate, accurate
10 and objective, and contains no significant revisions to the Draft EIR; and

11 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on July
12 17, 2017, Jason Henderson appealed the Final EIR certification ("Appellant") (authorizing
13 Sue Hestor to submit the appeal on his behalf); and

14 WHEREAS, The Planning Department's Environmental Review Officer, by
15 memorandum to the Clerk of the Board dated July 24, 2017, determined that the appeal had
16 been timely filed; and

17 WHEREAS, On September 5, 2017, this Board held a duly noticed public hearing to
18 consider the appeal of the Final EIR certification filed by Appellant and, following the public
19 hearing, conditionally reversed the Final EIR certification, subject to the adoption of written
20 findings in support of such determination; and

21 WHEREAS, In reviewing the appeal of the Final EIR certification, this Board reviewed
22 and considered the Final EIR, including the Draft EIR and the RTC, the appeal letter, the
23 responses to the appeal documents that the Planning Department prepared, the other written
24 records before the Board of Supervisors and all of the public testimony made in support of
25 and opposed to the appeal; and

1 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
2 conditionally reversed the Planning Commission's certification of the Final EIR, subject to the
3 adoption of written findings of the Board in support of such determination, based on the
4 written record before the Board of Supervisors as well as all of the testimony at the public
5 hearing in support of and opposed to the appeal; and

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and deliberation of the oral and written testimony at the public hearing before the
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
9 the Infill Determination is in the Clerk of the Board of Supervisors File No. 170812 and is
10 incorporated in this motion as though set forth in its entirety; now therefore be it

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

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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. Question(s) 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 - 1500-1540 Market Street (One Oak Street)

The text is listed:

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 1500-1540 Market Street (One Oak Street), subject to the adoption of written findings of the Board in support of this determination.

Signature of Sponsoring Supervisor: *Olivia Gomez*

For Clerk's Use Only