San Francisco Planning

570 MARKET STREET

FINAL MITIGATED NEGATIVE DECLARATION APPEAL

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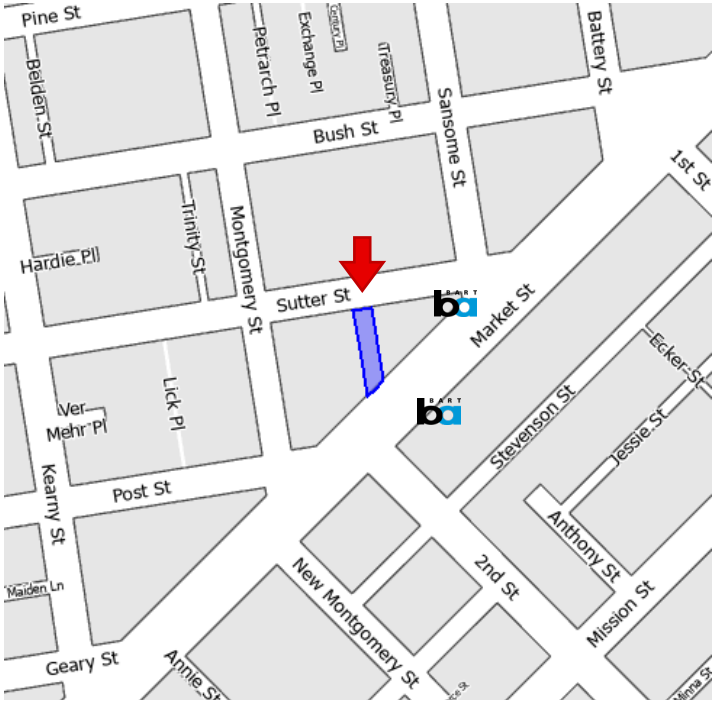
BACKGROUND

- The decision before the Board is whether to whether to affirm or reverse the Planning Commission's decision to approve the MND.
- **Timeline**:
  - October 20, 2024 – Department published the PMND
  - May 1, 2025 – Planning Commission heard two appeals filed on the PMND and denied the appeals
  - September 11, 2025 – Planning Commission approved the project
  - October 10, 2025 – Two appeals were filed on the FMND by the same appellants
  - November 7, 2025 – Mr. Flynn submitted a supplemental appeal letter.
- Planning Department conclusion remains that a MND is appropriate for the project and recommends affirming the Commission's decision to approve the MND.

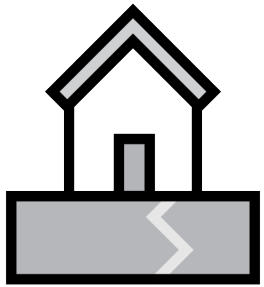
PROJECT SUMMARY

- Demolition of two existing two-story-over-basement commercial buildings
- Construction of a 29-story, approximately 300-foot-tall hotel with 211 guest rooms
- New 4,200-gsf outdoor POPOS on the 15th floor
- No vehicle parking
- Replacement of existing commercial loading zone on Sutter St. with passenger loading
- Project construction: ~24 months



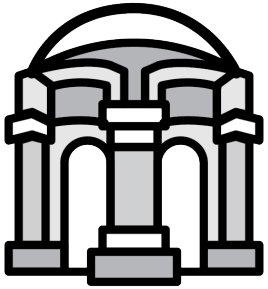
PROJECT SITE AND VICINITY

PRIMARY APPEAL TOPICS



GEOLOGY & SOILS

NOISE & VIBRATION



HISTORIC PRESERVATION

NO SIGNIFICANT GEOLOGY & SOILS IMPACTS

- Environmental review addresses whether the proposed development is structurally feasible. The project's Geotechnical Report concluded that it is.
- DBI structural review ensures that buildings are safely constructed pursuant to applicable state and local codes.
- AB 82 specifies review procedures for assessing a project's foundation system and its appropriateness for the ground conditions and surroundings.
- AB 111 requires an independent engineering review of the geotechnical and structural design by a 4-person panel of experts.

CONTEXT OF CEQA AND DEVELOPMENT REVIEW PROCESS

DETAILED PERMIT-LEVEL REVIEW IS NOT EXPECTED, NOR REQUIRED

ADDITIONAL REVIEW IS SUBSEQUENTLY CONDUCTED BY THE OTHER DEPARTMENTS (DBI, SFDPH, SFFD, ETC.)

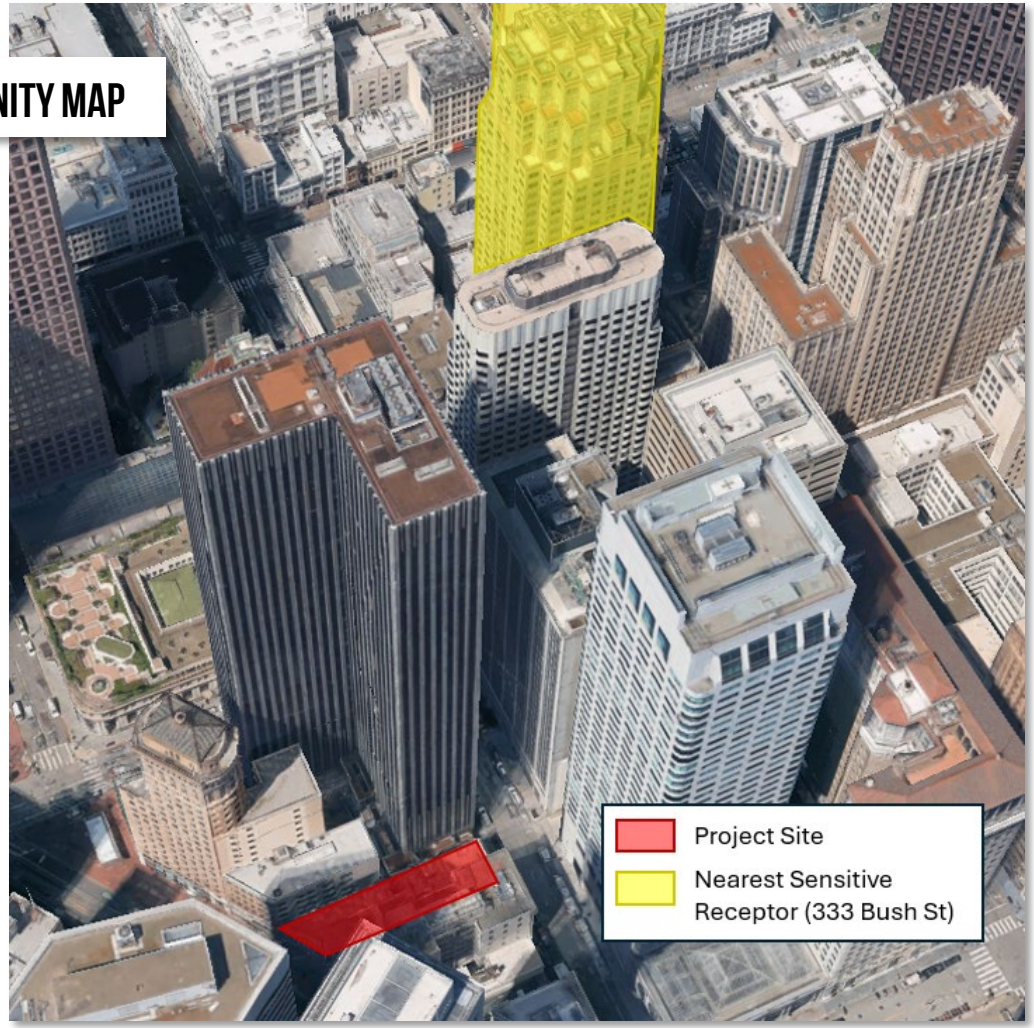
RELIANCE ON CITY PROCESSES IS NOT DEFERRAL OF MITIGATION; <u>IT'S THE LAW</u>

PERMIT CONDITIONS MUST BE COMPLIED WITH PRIOR TO PERMIT ISSUANCE

NO SIGNIFICANT CONSTRUCTION NOISE IMPACTS

- The FMND properly assessed the project's construction noise impacts in accordance with noise evaluation guidelines
- Office uses are not considered sensitive receptors unless the commercial receptor is exposed to noise levels 100 dBA or higher. The noise analysis confirmed this would **not** be the case.
- The presence of mid- to high-rise buildings downtown is unlikely to result in a canyoning effect for sound

VICINITY MAP



NO SIGNIFICANT UNAVOIDABLE CONSTRUCTION VIBRATION IMPACTS

- Mitigation Measure M-NO-2 outlines steps and performance measures for the monitoring and potential repair of any vibration-induced damage to nearby structures
- All feasible means to avoid damage to potentially affected buildings would be identified and employed - already occurs successfully throughout the City for similar projects
- Caltrans standards are guidelines for assessing potential vibration damage and *not* brightline thresholds

NO HISTORIC RESOURCE IMPACTS

- All nearby historic buildings were documented and evaluated in the project Historic Resources Evaluation Report
- The HRER evaluated the potential for the immediate project vicinity to be included in a historic district
- The project would not demolish or materially impair nearby historic resources

CONCLUSION

- The appellants have not provided substantial evidence based on facts that support a fair argument that the proposed project would have significant impacts on the environment

- An environmental impact report is not required. The FMND determinations are fully supported and additional studies would not alter the FMND conclusions

- Based on substantial evidence in the record, the proposed project would not have significant impacts with implementation of mitigation measures

- **Recommendation:**
  Affirm the Planning Commission's decision to approve the MND

THANK YOU

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APPEAL STAFF
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