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MEMO

Appeal of Final Environmental Impact Report 450-474 O'Farrell Street/532 Jones Street Project

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DATE: November 8, 2018
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa M. Gibson, Environmental Review Officer – (415) 575-9032
Chelsea Fordham, Principal Environmental Planner – (415) 575-9071
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RE: Board File No. 180993, Planning Department Case No. 2013-1535ENV
Appeal of the Final Environmental Impact Report for the for the 450-474
O'Farrell Street/532 Jones Street Project
HEARING DATE: November 13, 2018
ATTACHMENTS: None

PROJECT SPONSOR: Fifth Church of Christ, Scientist
450 O'Farrell Partners, LLC
39 Forrest Street, Suite 201
Mill Valley, CA 94941
Attn: Stephanie Hill

APPELLANTS: Sarah M. K. Hoffman and Ryan Patterson on behalf of 540 Jones Street Hotel LLC

INTRODUCTION

This memorandum is a response ("Supplemental Appeal Response") to a supplemental letter of appeal ("Supplemental Appeal Letter") dated November 2, 2018 submitted by the Appellant, Ryan Patterson and Sarah M. K. Hoffman on behalf of 540 Jones Street Hotel LLC, to the Board of Supervisors ("Board") regarding the Planning Commission's ("Commission") certification of the Final Environmental Impact Report ("Final EIR") for the 450-474 O'Farrell Street/532 Jones Street Project ("Project") under the California Environmental Quality Act ("CEQA"). The Planning Department ("Department") submitted an appeal response memorandum on November 5, 2018 ("Original Appeal Response") that addressed concerns raised in two appeal letters. The Original Appeal Response and the Supplemental Appeal Letter are available as part of Board File No. 180993.¹

PROJECT DESCRIPTION

Please see the Department's Original Appeal Response, dated November 5, 2018, for a description of the Project.

¹ Available online at: <https://sfgov.legistar.com/LegislationDetail.aspx?ID=3709237&GUID=27AB7ED5-7CFA-4DFC-B8D8-7ED526C12ECF&Options=ID|Text|&Search=180993>.

PLANNING DEPARTMENT RESPONSE

The Department's Original Appeal Response dated November 5, 2018 includes Responses 1 through 8. This Supplemental Appeal Response includes one response, identified as Response 9.

Response 9

As discussed in Response 1 of the Department's Original Appeal Response dated November 5, 2018, Appellant 540 Jones Street Hotel's statement that the EIR fails to mitigate potential damage to the 540 Jones Street building is unsubstantiated. The EIR provides adequate mitigation to lessen the potential impacts to the 540 Jones Street building.

CEQA Requirement

See the CEQA Requirement discussion of Response 1 the Department's Original Appeal Response for a listing of CEQA requirements pertaining to mitigation measures.

Staff Analysis

Appellant 540 Jones Street Hotel claims that the Department did not adequately respond to a structural engineering peer review letter submitted on the Draft EIR and that revisions to Mitigation Measure CR-3a are warranted.

As discussed in Response 1 of the Original Appeal Response, Appellant 540 Jones Street Hotel states that the San Francisco Building Code and Mitigation Measure CR-3a and CR-3b would not protect the building and residents located within the 540 Jones Street property from damage during construction of the 450 O'Farrell Street project. The EIR determined that Mitigation Measure CR-3a: Vibration Monitoring and Management Plan and Mitigation Measure CR-3b: Construction Best Practices for Historical Architectural Resources would apply to any components of the Project that would result in ground-disturbing activities, and would reduce potential damage to adjacent structures from construction to a less-than-significant level. As part of Mitigation Measure CR-3a, a monitoring program would be required to be put in place during construction and if impacts are detected, the conditions that caused the impacts to occur would have to be ceased or avoided. Although the mitigation measures themselves do not provide all of the details for avoiding physical damage to adjacent buildings caused by vibration, they adequately establish performance standards and milestones for preparation of detailed plans for Planning Department review, which would be necessary to ensure that development, implementation, and enforcement of the plans would reduce the potential impact to less-than-significant levels. Additionally, Mitigation Measure CR-3b establishes construction best practices for construction adjacent to historic resources, including measures to lesson exposure to construction vibration. Therefore, Mitigation Measure CR-3a and CR-3b adequately provide for monitoring for damage of 540 Jones Street during construction.

The Appellant requests that the Mitigation Measure CR-3a be amended as follows, with deleted text shown in ~~striketrough~~: "In addition, this plan shall state the maximum settlement levels not to be exceeded at each building and shall be a range from 3/8-inch to monitor activities; 1/2-inch for

construction to be halted; ~~or a level determined by the site specific assessment made by the structural engineer in coordination with the preservation architect for the project.~~ This settlement criteria shall be included in the requirements of the vibration management and monitoring plan.”

The sponsor’s request to amend Mitigation Measure CR-3a is without merit, as it would eliminate an important component of the measure that would allow for the vibration management and monitoring plan to have site-specific settlement criteria developed for each of seven historic buildings within 50 feet of project construction.² These settlement criteria would be based upon the individual buildings’ foundation design, potential for susceptibility to vibration impacts, and the vibration amounts these buildings could experience during construction. The criteria would be developed in consultation with a structural engineer and a preservation architect after individual inspection of all seven buildings. These conditions will be documented as part of the Pre-Construction Assessment of the buildings, as required as part of Mitigation Measure CR-3a.

The EIR includes mitigation measures that are adequately detailed with performance standards that meet the requirements of CEQA Guidelines section 15126.4 that mitigation must be fully enforceable through permit conditions, agreements, or other legally binding instruments. The project sponsors have executed an Agreement to Implement Mitigation Measures and Improvement Measures. Further comprehensive details relating to the requirements in Mitigation Measures CR-3a and CR-3b would be identified in the vibration management and monitoring plan and construction documents that would be reviewed and approved by Planning Department and DBI staff prior to issuance of permits as required under the MMRP. Additionally, the vibration management and monitoring plan would identify specific measures for each of the seven building that are subject to Mitigation Measure CR-3a. For the above reasons, revisions to Mitigation Measure CR-3a is not warranted.

CONCLUSION

For the reasons stated in the Original Appeal Response and in this Supplemental Appeal Response, the Commission’s certification of the Final EIR complies with the requirements of CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code. The Department, therefore, respectfully recommends that the Board uphold the Commission’s decision to certify the Final EIR and deny the appeals.

² Mitigation Measure CR-3a identified in the 450-474 O’Farrell Street/532 Jones Street Project EIR (Case No. 2013-1535ENV) applies to the following buildings; 500–520 Jones Street, 536–544 (540) Jones Street, 546–548 (548) Jones Street, 565–575 Geary Street, 438–440 (438) O’Farrell Street, 415 Taylor Street, and 577–579 Geary Street.