

File No. 180995

Committee Item No. _____

Board Item No. 63

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 13, 2018

Cmte Board

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| <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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Prepared by: Jocelyn Wong

Date: November 9, 2018

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Final Environmental Impact Report Certification - Proposed
2 Project at 450-474 O'Farrell Street and 532 Jones Street]

3 **Motion conditionally reversing the Planning Commission's certification of the Final**
4 **Environmental Impact Report prepared for the proposed project at 450-474 O'Farrell**
5 **Street and 532 Jones Street, subject to the adoption of written findings of the Board of**
6 **Supervisors in support of this determination.**

7
8 WHEREAS, The project at 450-475 O'Farrell Street/532 Jones Street ("450 O'Farrell
9 Project" or "Project") proposes the demolition of the existing Fifth Church of Christ, Scientist
10 church building (450 O'Farrell Street), the vacant retail building along O'Farrell Street (474
11 O'Farrell Street), and the restaurant and residential building along Jones Street (532 Jones
12 Street) and construction of a new 13-story, 130-foot-tall (excluding a 20-foot-tall elevator
13 penthouse) mixed-use building with up to 176 dwelling units, including 28 below-market-rate
14 units, restaurant/retail space on a portion of the ground floor, and a replacement church on
15 the ground floor and two upper levels facing O'Farrell Street; and

16 WHEREAS, The Project would construct a total of 228,764 square feet of new
17 development in one building, including up to 184,168 square feet for residential use, 4,577
18 square feet for restaurant and/or retail use, 9,555 square feet for religious institution use to
19 replace the existing church, 8,359 square feet of open space on two levels, and 22,105
20 square feet of below-grade parking (including 46 vehicle spaces, 125 Class 1 bicycle, and 16
21 Class 2 bicycle spaces); and

22 WHEREAS, The Planning Department determined that an Environmental Impact
23 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of
24 that determination by publication in a newspaper of general circulation on February 22, 2017;
25 and

1 WHEREAS, The Draft EIR was published on October 25, 2017, and circulated to
2 governmental agencies and to interested organizations and individuals for a 47-day review
3 period that started on October 25, 2017 and ended on December 11, 2017; and

4 WHEREAS, The Planning Commission held a public hearing on the Draft EIR on
5 November 30, 2017, and planning commissioners, organizational representatives, and
6 individual members of the public made oral comments at that hearing; and

7 WHEREAS, The Planning Department prepared a Responses to Comments ("RTC")
8 document, published on June 13, 2018, distributed to the Planning Commission and all parties
9 who commented on the Draft EIR, and made available to others upon request at the Planning
10 Department offices; and

11 WHEREAS, The RTC included responses to comments on environmental issues
12 received at the Draft EIR public hearing that was held on November 30, 2017, and in writing
13 during the 47-day public review period for the Draft EIR, as well as text changes or revisions
14 that were proposed to the Project, in response to comments received or based on additional
15 information that became available during the public review period and that represent a
16 refinement or clarification to the text of the EIR; and

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

24 WHEREAS, On September 13, 2018, the Planning Commission, by Motion No. 20279,
25 certified a Final Environmental Impact Report ("Final EIR") for the proposed Project under

1 CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding
2 that the Final EIR reflects the independent judgment and analysis of the City and County of
3 San Francisco, that it is adequate, accurate and objective, and contains no significant
4 revisions to the Draft EIR; and

5 WHEREAS, By letters to the Clerk of the Board by Sarah M. K. Hoffman, on behalf of
6 540 Jones Street Hotel LLC, and Mike Buhler, on behalf of San Francisco Heritage
7 (collectively, "Appellants"), received by the Clerk's Office on October 15, Appellants appealed
8 the Final EIR certification; and

9 WHEREAS, The Planning Department's Deputy Environmental Review Officer, by
10 memorandum to the Clerk of the Board dated October 23, 2018, determined that the appeals
11 had been timely filed; and

12 WHEREAS, On November 13, 2018, this Board held a duly noticed public hearing to
13 consider the appeals of the Final EIR certification filed by Appellants and, following the public
14 hearing, the Board of Supervisors affirmed the Planning Commission's certification of the
15 Final EIR based on the written record before the Board of Supervisors as well as all of the
16 testimony at the public hearing in support of and opposed to the appeals; and

17 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
18 conditionally reversed the Final EIR certification, subject to the adoption of written findings of
19 the Board in support of such determination, based on the written record before the Board of
20 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
21 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. 180993 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 conditionally reverses the certification of the
4 Final EIR by the Planning Commission, subject to the adoption of written findings of the Board
5 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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only

for 180995