

1 [Affirming the Final Environmental Impact Report Certification - Proposed Project at 3333
2 California Street]

3 **Motion affirming the Planning Commission’s certification of the Final Environmental**
4 **Impact Report prepared for the proposed project at 3333 California Street.**

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6 WHEREAS, The project at 3333 California Street (“3333 California Street Project” or
7 “Project”) proposes a mixed-use development that includes converting an existing office
8 building into two residential buildings, and constructing 13 new buildings; overall, the Project
9 will include 744 dwelling units within 977,437 gross square feet (gsf) of residential/commercial
10 floor area; 34,496 gsf of retail floor area; a 14,665 gsf childcare facility; 401,234 gsf devoted to
11 off-street parking with 10 carshare spaces and no more than 754 parking spaces; 125,226
12 square feet of privately owned, publicly accessible open space and 86,570 square feet of
13 other open space, including private open space for residents; the Project will contain public
14 pathways through the site and retain an existing open space at Euclid Avenue; and

15 WHEREAS, The Planning Department determined that an Environmental Impact
16 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of
17 that determination by publication in a newspaper of general circulation on September 20,
18 2017; and

19 WHEREAS, The Draft EIR was published on November 7, 2018, and circulated to
20 governmental agencies and to interested organizations and individuals for a 63-day review
21 period that started on November 7, 2018, and ended on January 8, 2019; and

22 WHEREAS, The Planning Commission held a public hearing on the Draft EIR on
23 December 13, 2018, and planning commissioners, organizational representatives, and
24 individual members of the public made oral comments at that hearing; and

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1 WHEREAS, The Planning Department prepared a Responses to Comments (“RTC”)
2 document, published on August 22, 2019, distributed to the Planning Commission and all
3 parties who commented on the Draft EIR, and made available to others upon request at the
4 Planning Department offices; and

5 WHEREAS, The RTC included responses to comments on environmental issues
6 received at the Draft EIR public hearing that was held on December 13, 2018, and in writing
7 during the 63-day public review period for the Draft EIR, as well as text changes or revisions
8 that were proposed to the Project, in response to comments received or based on additional
9 information that became available during the public review period and that represent a
10 refinement or clarification to the text of the EIR; and

11 WHEREAS, The comments and revisions addressed in the RTC did not identify new
12 significant impacts or a substantial increase in the severity of previously identified impacts, nor
13 did they identify feasible project alternatives or mitigation measures that are considerably
14 different from those analyzed in the Draft EIR and that the Project sponsor has not agreed to
15 implement, and no significant new information that would require recirculation of the Draft EIR
16 under section 21092.1 of the California Environmental Quality Act, California Public
17 Resources Code, Sections 21000 et seq. (“CEQA”) and CEQA Guidelines, Section 15088.5,
18 was identified; and

19 WHEREAS, On September 5, 2019, the Planning Commission, by Motion No. 20512,
20 certified a Final Environmental Impact Report (“Final EIR”) for the proposed Project under
21 CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding
22 that the Final EIR reflects the independent judgment and analysis of the City and County of
23 San Francisco, that it is adequate, accurate and objective, and contains no significant
24 revisions to the Draft EIR; and

1 WHEREAS, By letters to the Clerk of the Board by Kathryn Devincenzi, on behalf of
2 Laurel Heights Improvement Association of San Francisco, Inc., (“Appellants”), received by
3 the Clerk's Office on October 7, 2019, Appellants appealed the Final EIR certification; and

4 WHEREAS, The Planning Department’s Environmental Review Officer, by
5 memorandum to the Clerk of the Board dated October 9, 2019, determined that the appeals
6 had been timely filed; and

7 WHEREAS, On November 12, 2019, this Board held a duly noticed public hearing to
8 consider the appeals of the Final EIR certification filed by Appellants; and

9 WHEREAS, The written record and oral testimony in support of and opposed to the
10 appeals and deliberation of the oral and written testimony at the public hearing before the
11 Board of Supervisors by all parties and the public in support of and opposed to the appeals of
12 the Final EIR certification is in the Clerk of the Board of Supervisors File No. 191035 and is
13 incorporated in this motion as though set forth in its entirety; now, therefore, be it

14 MOVED, That, based on the written record before the Board of Supervisors as well as
15 all of the testimony at the public hearing in support of and opposed to the appeals; this Board
16 of Supervisors hereby affirms the decision of the Planning Commission in its Motion
17 No. 20512 to certify the Final EIR and finds the Final EIR to be complete, adequate, and
18 objective and reflecting the independent judgment of the City and in compliance with CEQA,
19 the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and, be it

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

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

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