

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

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4 **Motion conditionally reversing the Planning Commission’s certification of the Final**
5 **Environmental Impact Report prepared for the proposed project at 3333 California**
6 **Street, subject to the adoption of written findings of the Board of Supervisors in**
7 **support of this determination.**

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

18 WHEREAS, The Planning Department determined that an Environmental Impact
19 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of
20 that determination by publication in a newspaper of general circulation on September 20,
21 2017; and

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

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

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

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

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

22 WHEREAS, On September 5, 2019, the Planning Commission, by Motion No. 20512,
23 certified a Final Environmental Impact Report (“Final EIR”) for the proposed Project under
24 CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding
25 that the Final EIR reflects the independent judgment and analysis of the City and County of

1 San Francisco, that it is adequate, accurate and objective, and contains no significant
2 revisions to the Draft EIR; and

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

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

9 WHEREAS, On November 12, 2019, this Board held a duly noticed public hearing to
10 consider the appeals of the Final EIR certification filed by Appellants and, following the public
11 hearing, the Board of Supervisors conditionally reverses the Final EIR certification, subject to
12 the adoption of written findings of the Board in support of such determination, based on the
13 written record before the Board of Supervisors as well as all of the testimony at the public
14 hearing in support of and opposed to the appeals; and

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

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

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