

File No. 191038

Committee Item No. \_\_\_\_\_

Board Item No. 25

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: November 12, 2019

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- Department/Agency Cover Letter and/or Report
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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: Brent Jalipa

Date: November 7, 2019

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification -  
2 Proposed Project at 3333 California Street]

3 **Motion directing the Clerk of the Board to prepare findings related to reversing the**  
4 **Planning Commission's certification of the Final Environmental Impact Report**  
5 **prepared for the proposed project at 3333 California Street.**

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

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

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

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

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

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

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

4           WHEREAS, On September 5, 2019, the Planning Commission, by Motion No. 20512, certified a Final Environmental Impact Report (“Final EIR”) for the proposed Project under CEQA, the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, finding that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, that it is adequate, accurate and objective, and contains no significant 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, following the  
9 conclusion of the public hearing, the Board of Supervisors conditionally reversed the Final EIR  
10 certification, subject to the adoption of written findings of the Board in support of such  
11 determination, based on the written record before the Board of Supervisors as well as all of  
12 the testimony at the public hearing in support of and opposed to the appeals; and

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

18           MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
19 findings specifying the basis for its decision on the appeals of the Planning Commission’s  
20 certification of the Final EIR for the Project.

21  
22 n:\legana\as2019\2000037\01399573.docx

Print Form

# 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):

Clerk of the Board

Subject:

Preparation of Findings to Reverse the Final Environmental Impact Report Certification - Proposed Project at 3333 California Street

The text is listed:

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 3333 California Street.

Signature of Sponsoring Supervisor:

*Olivia Gomez*

For Clerk's Use Only

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