

File No. 210921

Committee Item No. _____

Board Item No. 40

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 26, 2021

Cmte Board

- Motion
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- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: October 22, 2021

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Final Environmental Impact Report Certification - 469 Stevenson
2 Street Project]

2

3 **Motion conditionally reversing the Planning Commission’s certification of the Final**
4 **Environmental Impact Report prepared for the proposed 469 Stevenson Street project,**
5 **subject to the adoption of written findings of the Board of Supervisors in support of**
6 **this determination.**

7

8 WHEREAS, The proposed project would demolish the existing surface parking lot and
9 construct a new 27-story mixed-use building that is approximately 274 feet tall (with an
10 additional 10 feet for rooftop mechanical equipment), totaling approximately 535,000 gross
11 square feet and including 495 rental dwelling units with a dwelling mix of approximately 192
12 studios, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and eight
13 five-bedroom units; approximately 4,000 square feet of commercial retail use on the ground
14 floor; and approximately 25,000 square feet of private and common open space; and

15 WHEREAS, The proposed project would use the Individually Requested State Density
16 Bonus Program and provide affordable housing units onsite; and

17 WHEREAS, The Project would provide three below-grade parking levels with 166
18 vehicular parking spaces; 200 class 1 bicycle spaces; two service delivery loading spaces;
19 one on-site freight loading space located on the ground floor; and twenty-seven class 2
20 bicycle parking spaces placed along Jessie Street; and

21 WHEREAS, The Project would require 55,850 cubic yards of excavation and is
22 anticipated to be constructed on a mat foundation; no pile driving or piers are proposed or
23 required, and Project construction would span approximately 36 months; and

24 WHEREAS, The Project site is a through lot located at 469 Stevenson Street in the
25 South of Market neighborhood (Assessor’s Parcel Block No. 3704, Lot No. 45), approximately

1 28,790 square feet (0.66-acre) in size and currently developed as a public surface parking lot
2 with 176 parking spaces with no existing onsite structures; and

3 WHEREAS, The Planning Department determined that an Environmental Impact
4 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of
5 that determination by publication in a newspaper of general circulation on October 2, 2019;
6 and

7 WHEREAS, The Draft EIR was published on March 11, 2020, and circulated to
8 governmental agencies and to interested organizations and individuals for a 60-day public
9 review period that began March 12, 2020, and concluded on May 11, 2020; and

10 WHEREAS, The Planning Commission held a public hearing on the Draft EIR on April
11 16, 2020; and

12 WHEREAS, The Planning Department prepared a Responses to Comments document
13 ("RTC") responding to all environmental issues raised in written comments received during the
14 public comment period and in writing or presented orally at the public hearing for the DEIR,
15 providing additional analysis and reports that verified and expanded upon the DEIR contents,
16 and published the RTC on May 26, 2021; 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 the California Environmental Quality Act, California Public
23 Resources Code, Sections 21000 et seq. ("CEQA") and CEQA Guidelines, Section 15088.5,
24 was identified; and

1 WHEREAS, On July 29, 2021, the Planning Commission, by Motion No. 20963,
2 certified a Final Environmental Impact Report (“Final EIR”) for the proposed Project under the
3 California Environmental Quality Act (“CEQA”), Public Resources Code, Section 21000 et
4 seq., the CEQA Guidelines, 14 California Code of Regulations, Section 15000 et seq., and
5 San Francisco Administrative Code, Chapter 31, finding that the Final EIR reflects the
6 independent judgment and analysis of the City and County of San Francisco, that it is
7 adequate, accurate and objective, and contains no significant revisions to the Draft EIR; and

8 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
9 August 30, 2021, the Brant-Hawley Law Group, on behalf of the Yerba Buena Neighborhood
10 Consortium (“Appellant”), appealed the Final EIR certification; and

11 WHEREAS, The Planning Department’s Environmental Review Officer, by
12 memorandum to the Clerk of the Board dated September 2, 2021, determined that the appeal
13 had been timely filed; and

14 WHEREAS, On October 26, 2021, this Board held a duly noticed public hearing to
15 consider the appeal of the Final EIR certification filed by Appellant and, following the public
16 hearing, conditionally reversed the Final EIR certification, subject to the adoption of written
17 findings in support of such determination based on the written record before the Board of
18 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
19 the appeal; and

20 WHEREAS, In reviewing the appeal of the Final EIR certification, this Board reviewed
21 and considered the Final EIR, including the Draft EIR and the RTC, the appeal letter, the
22 responses to the appeal documents that the Planning Department prepared, the other written
23 records before the Board of Supervisors and all of the public testimony made in support of
24 and opposed to the appeal; and

25

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeal and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal is
4 in the Clerk of the Board of Supervisors File No. 210919 and is incorporated in this motion as
5 though set forth in its entirety; now, therefore be it

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

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Introduction Form

By a Member of the Board of Supervisors or the 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 inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) 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 a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: