Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 260 5th Street Project.

WHEREAS, the Project Sponsor proposes to demolish an existing light industrial building on the site and construct a 9-story, 85-foot tall building with a basement level parking garage, creating up to 179 dwelling units, approximately 5,281 square feet of ground floor commercial space along 5th Street, and up to 102 off-street parking spaces (including stackers). Open space is provided on private balconies and two rooftop decks; and

WHEREAS, the Project Sponsor applied for environmental review for the Project and for approvals under Planning Code Section 329 for a Large Project and for exceptions, including, to rear yard requirements, to obstructions permitted over a sidewalk, to dwelling unit exposure requirements, to provide off-street parking spaces pursuant, to vertical non-habitable architectural elements requirements, and to horizontal mass reduction requirements (City Planning File 2007.0690EKX); and

WHEREAS, The Planning Department ("Department") determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on June 11, 2008; and

WHEREAS, On July 29, 2009, the Department published the Draft Environmental Impact Report ("DEIR"); and

WHEREAS, The Planning Commission held a duly advertised public hearing on the DEIR on September 10, 2009, at which time public comment was received on the DEIR and written comments were received through September 15, 2009; and
WHEREAS, The Department prepared responses to comments received at the public hearing and in writing during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR and published a Draft Comments and Responses document on May 6, 2010; and

WHEREAS, A Final Environmental Impact Report (FEIR) was prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Draft Comments and Responses document, all as required by law; and

WHEREAS, On May 20, 2010, the Commission reviewed and considered the FEIR and, by Motion No. 18087, found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, By Motion No. 18087, the Commission found the FEIR reflected the independent judgment and analysis of the Department and Commission, was adequate, accurate and objective, and that the Comments and Responses document contained no significant revisions to the DEIR and certified the FEIR, finding that the Project described in the FEIR will have a project-specific significant and unavoidable effect on the environment through the loss of opportunity for Production, Distribution, and Repair use on the Project site and will have a cumulative significant and unavoidable effect on the environment through demolition of a contributory building to a California Register-eligible historic district; and

WHEREAS, By Motion No. 18087, the Commission approved the Project, adopting CEQA findings related to the Project approvals, including a statement of overriding consideration, and adopting a Mitigation Monitoring and Reporting Program for the Project;
WHEREAS, On June 9, 2010, Angelica Cabande, on behalf of South of Market Community Action Network (SOMCAN), and Roy Recio, on behalf of Manilatown Heritage Foundation, filed appeals of the FEIR with the Clerk of the Board of Supervisors; and,

WHEREAS, The Board of Supervisors held a public hearing on the Project to review the decision by the Planning Commission to certify the FEIR; and

WHEREAS, The Board has reviewed and considered the FEIR, the appeal letter(s), the responses to concerns document that the Planning Department prepared, the other written records before the Board of Supervisors, and heard testimony and received public comment regarding the adequacy of the FEIR; and

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by the Board of Supervisors, the Commission, and the public, which files are available for public review by appointment at the Department offices at 1650 Mission Street, and are part of the record before the Board of Supervisors; now therefore be it,

MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the FEIR; and be it

FURTHER MOVED, That after carefully considering the appeal of the FEIR, including the written information submitted to the Board of Supervisors and the public testimony presented to the Board of Supervisors, this Board hereby affirms the decision of the Planning Commission in its Motion No. 18087 to certify the FEIR and finds the FEIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA, the State CEQA Guidelines, and Administrative Code Chapter 31.
Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 260 - 5th Street Project.

June 29, 2010 Board of Supervisors - CONTINUED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

July 13, 2010 Board of Supervisors - APPROVED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

I hereby certify that the foregoing Motion was APPROVED on 7/13/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board