

April 5, 2007
File No: 2003.0347E
Market & Octavia Area Plan

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17406

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED MARKET AND OCTAVIA PLAN, AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND ZONING MAPS, AMENDMENTS TO THE SAN FRANCISCO GENERAL PLAN, ADOPTION OF URBAN DESIGN GUIDELINES, AND AMENDMENTS TO THE WESTERN ADDITION A-2 REDEVELOPMENT PLAN. THE PLAN AREA IS GENERALLY LOCATED TO THE WEST OF THE CITY'S DOWNTOWN AREA AND INCLUDES PORTIONS OF CIVIC CENTER, HAYES VALLEY, WESTERN ADDITION, SOUTH OF MARKET, INNER MISSION, THE CASTRO, DUBOCE TRIANGLE, EUREKA VALLEY, AND UPPER MARKET NEIGHBORHOODS OF SAN FRANCISCO.

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2003.0347E – Market and Octavia Plan (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Citywide Group of the Department filed for environmental evaluation on 3/26, 2003 and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on January 23, 2004.

b. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on January 24, 2004.

c. On June 25, 2005, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

d. On June 25, 2005, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

e. Notices of availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 27, 2005.

2) The Commission held a duly advertised public hearing on the DEIR on July 28, 2005 at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on August 23, 2005.

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Plan. This material was presented in a Comments and Responses document, published on September 26, 2006, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.

4) A Final Environmental Impact Report has been 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 Summary of Comments and Responses all as required by law ("FEIR").

5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.

6) On April 5, 2007, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

7) The Planning Commission hereby does find that the FEIR concerning Case File No. 2003.0347E – Market and Octavia Neighborhood Plan reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Final EIR document which includes the Comments and Responses contains no significant new information to the DEIR. In addition, since publication of the DEIR there has been no significant new information that would require recirculation of the document pursuant to CEQA Guideline Section 15088.5; and the Planning Commission hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

8) The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

a. A potentially significant adverse shadow effect on the environment on *the War Memorial Open Space* from Development on Franklin Street and *United Nations Plaza* from towers at the Market Street and Van Ness Avenue intersection.

b. A significant adverse traffic effect on the environment to the following intersections under the year 20205 with Plan conditions: (1) Hayes Street and Van Ness Avenue, (2) Laguna /Market/ Hermann/Guerrero Streets, (3) Market/Sanchez/Fifteenth Streets, (4) Market/Church/ Fourteenth Streets, (5) Mission/Otis/South Van Ness; (6) Hayes/Gough Streets; and (7) Hayes/Franklin Streets.

c. A significant adverse transit effect on the environment as a result of increase in delays at Hayes Street intersections at Van Ness Avenue, Franklin Street, and Gough Street. Degradation to transit service would occur as a result of increase in delays at the intersections above.

9) The Planning Commission recognizes that an historical resource survey is currently underway in the plan area;

- a. The Commission recognizes the importance of the survey;
- b. The Commission however finds that the EIR as it exists and relates to historic resources is adequate, accurate, and objective without the inclusion of the study;
- c. The Commission will commit in its planned adoption of the interim procedures to give the utmost consideration to the results of the survey and public input on the survey at such time as the survey is complete and in such a manner as described in the accompanying resolution relating to this issue.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on April 5, 2007.

Linda Avery
Commission Secretary

AYES: Alexander, Antonini, Sue Lee and William Lee

NOES: Moore and Olague

ABSENT: none

EXCUSED: Sugaya

ACTION: Certification of EIR