

RESOLUTION NO. 136-2008

Adopted December 2, 2008

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 69-UNIT MIXED-USE PROJECT AT 1450 FRANKLIN STREET (BLOCK 671, LOT 6) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; WESTERN ADDITION REDEVELOPMENT PROJECT AREA A-2

BASIS FOR RESOLUTION

1. 1450 Franklin Street is located on approximately one quarter of an acre on the southeast corner of Franklin and Bush Streets (the "Site") in the Western Addition Redevelopment Project Area A-2 (the "Project Area"). The Site is developed with a two-story concrete building constructed in 1922-1923 that currently houses a specialty auto dealership and repair facility. The owner of the property is Pacific Heights Franklin Partners, L.P., a California limited partnership, as to an undivided ½ interest and Pacific Heights Franklin Partners II, L.P., a California limited partnership, as to an undivided ½ interest, as tenants-in-common (collectively, the "Owner").
2. The Owner proposes to demolish the existing building and construct a 13-story mixed-use structure containing 69 for-sale residential units, approximately 1,472 sq. ft. of commercial office space, and 73 off-street parking spaces. Demolition of the existing building and construction of the new mixed-use building constitute the proposed project ("Project") pursuant to the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA") and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, ("CEQA Guidelines")). Unless the context specifically indicates otherwise, all references to CEQA are intended to include CEQA, the CEQA Guidelines and court decisions interpreting CEQA and the CEQA Guidelines.
3. As part of the Redevelopment Agency of the City and County of San Francisco's ("Agency") review of the proposed Project, and in compliance with CEQA, Agency staff completed an initial study and determined that the proposed Project may have significant environmental effects in the areas of historical resources and transportation/traffic. As a result, Agency staff determined that an Environmental Impact Report ("EIR") was required.
4. On February 20, 2008, the Agency issued a Notice of Preparation ("NOP") for the EIR and an Initial Study. The NOP was mailed to property owners within a 300-foot radius of 1450 Franklin Street as well as approximately 25 people and organizations, including the Western Addition Citizens Advisory Committee

("WACAC"), District 5 Supervisor Ross Mirkarimi, the San Francisco Landmarks Preservation Advisory Board (the "Landmarks Board"), San Francisco Heritage, other interested parties, and local and state agencies. The NOP was also posted on the Agency's website.

5. On March 6, 2008, staff and the Owner held a public scoping meeting on the proposed EIR. On March 19, 2008, staff and the Owner presented the project at a public meeting held by the Landmarks Board to take comments on the project and scope of the proposed EIR.
6. Pursuant to the requirements of CEQA, a Draft Environmental Impact Report ("Draft EIR") was prepared for the proposed Project. The Draft EIR was published on July 28, 2008, and the public review period ran from the July 28, 2008 publication date until September 11, 2008.
7. Copies of the Draft EIR were distributed to the Agency Commission and mailed to approximately 25 people and organizations, including the WACAC, District 5 Supervisor Ross Mirkarimi, the Landmarks Board, San Francisco Heritage, other interested parties, and local and state agencies. The Draft EIR was also posted on the Agency's website.
8. The Draft EIR describes the proposed Project (including the actions to be taken by the Agency Commission), and assesses potential environmental impacts in the areas of aesthetics, historical resources, transportation/traffic, and growth inducement. The Draft EIR analyzes three alternatives to the proposed Project: the No Project Alternative, the Adaptive Reuse Alternative, and the Reduced Alternative with Partial Preservation.
9. The Draft EIR concludes that the proposed Project, even with mitigation, would have a cumulative unavoidable significant impact on a potential Van Ness Avenue MPS Historic District. Although by itself, demolition of the existing building at 1450 Franklin Street would not be considered a significant impact, it could, if considered in combination with the demolition of many other buildings of similar history within the vicinity, have a significant cumulative impact. Demolition of the existing structure at the Site would therefore be considered a potentially significant impact. Although mitigation has been identified to reduce the magnitude of the impact, it would remain significant and unavoidable.
10. On August 5, 2008, the Agency Commission held a duly noticed public hearing to receive public comments on the adequacy of the Draft EIR. Notice of the public hearing was published in the *San Francisco Chronicle* on July 31, 2008, on the project site, in a number of locations around the project site, and mailed to property owners within a 300-foot radius of 1450 Franklin Street. Four persons presented oral comments at the public meeting.

11. The Draft EIR was also reviewed at a public meeting of the Landmarks Board on September 3, 2008, at a meeting of San Francisco Architectural Heritage Issues Committee on September 9, 2008, and at a meeting of the WACAC on September 11, 2008.
12. The Agency (1) prepared responses to all oral and written comments received during the 45-day public review period, (2) drafted revisions to the text of the Draft EIR in response to comments received, and (3) published these responses and revisions in a Comments and Responses document.
13. On November 7, 2008, the Agency distributed the Comments and Responses document to the Agency Commission and to all parties who commented on the Draft EIR. The Comments and Responses document is also available for review at the Agency's offices and a copy has been posted on the Agency's internet website.
14. A notice of availability of the Comments and Responses document and notice of the date of potential certification of the Final EIR was posted on the project site and in a number of locations around the project site, and mailed to: property owners within a 300-foot radius of 1450 Franklin Street, the Agency's Project Area mailing list, the WACAC, the Japantown Task Force, Inc., and other interested parties.
15. The proposed Final Environmental Impact Report ("Final EIR") prepared by the Agency and its consultants consists of (a) the Draft EIR, and (b) the Comments and Responses document, which responds to all comments received during the public review period, and describes changes to the Draft EIR. The revisions to the Draft EIR contained in the Comments and Responses document correct, clarify and/or update information contained in the Draft EIR.
16. The Agency Commission has independently reviewed the administrative record and the Final EIR, and has determined that the Comments and Responses document contains no "significant new information" (as defined in CEQA Guidelines Section 15088.5), and there is no other "significant new information" that has become available to indicate any of the following:
 - A. A new significant environmental impact would result from the Project or from a mitigation measure; or
 - B. There will be a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted to reduce such environmental impact to a level of insignificance; or
 - C. A feasible Project alternative or mitigation measure considerably different from the Project alternatives and mitigation measures discussed in the Draft

EIR would clearly lessen any significant environmental impacts of the Project; or

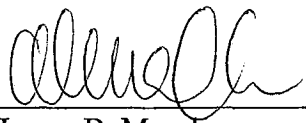
- D. The Draft EIR was so fundamentally inadequate and conclusory that meaningful public review and comment were precluded.
17. The files and documents pertaining to the Project and the proposed Final EIR are available for public review at the Agency's offices and are part of the administrative record regarding the Project.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco as follows:

1. The Agency Commission has reviewed and considered the information within the Final EIR for the proposed mixed-use project at 1450 Franklin Street.
2. The Agency Commission concludes that the Comments and Responses document does not contain any "significant new information", as defined in CEQA Guidelines Section 15088.5, and the revisions to the Draft EIR contained in the Comments and Responses document do not constitute a substantial revision of the Draft EIR.
3. The Final EIR reflects the independent judgment and analysis of the Agency Commission and has been completed in compliance with CEQA.
4. Accordingly, the Agency Commission hereby certifies, based on substantial evidence in the record, that the Final EIR is adequate, accurate and objective, pursuant to CEQA.

APPROVED AS TO FORM:

for 
James B. Morales
Agency General Counsel