File No. 120699

Committee Item No. _____
Board Item No. 47

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date July 10, 2012

| Cmte | Board | |
|---|---|---|
| ☐ | ☒ | Motion |
| ☐ | ☐ | Resolution |
| ☐ | ☐ | Ordinance |
| ☐ | ☐ | Legislative Digest |
| ☐ | ☐ | Budget Analyst Report |
| ☐ | ☐ | Legislative Analyst Report |
| ☐ | ☐ | Introduction Form (for hearings) |
| ☐ | ☐ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU |
| ☐ | ☐ | Grant Information Form |
| ☐ | ☐ | ~~Grant Budget~~ |
| ☐ | ☐ | Subcontract Budget |
| ☐ | ☐ | Contract/Agreement |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☐ | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
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Completed by: Rana Calonsag Date July 5, 2012
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

[Preparation of Findings to Reverse Certification of the Transit Center District Plan and Transit Tower FEIR]

**Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Transit Center District Plan and Transit Tower FEIR.**

WHEREAS, The Transit Center District Plan proposes new planning policies and controls for land use; urban form, including building height and design; street change/public realm improvements; historic preservation; and sustainability (the "Plan"). The area subject to the Plan is centered on the new Transit Center, and is bounded generally by Market, Steuart, and Folsom Streets, and a line east of Third Street. The Plan would allow height limit increases permitting up to about six buildings at a height of 700 feet or taller, including the proposed Transit Tower. It also includes financial support for the new Transit Center, which is under construction and will replace the former Transbay Terminal as a regional transit hub; and,

WHEREAS, The Transit Tower Project is proposed by the Transbay Joint Powers Authority (the "TJPA") as a 61-story, approximately 1,070-foot office building consisting of about 1.35 million square feet of office space proposed for approximately the northern third of the block bounded by First, Mission, Fremont, and Howard Streets. The Transit Tower Project would occupy Assessor's Block 3720, Lot 09 adjacent to the new Transit Center, on the south side of Mission Street between Fremont and First Streets. The project site is approximately 50,000 square in size and was most recently used as the passenger waiting and loading and MUNI drop-off/layover area for the old Transbay Terminal, which was demolished beginning in August 2010. The TJPA intends to sell the Transit Tower site to

Hines Transbay Tower LLC, which would development the tower. The TJPA would use the proceeds from the sale to help fund the Transit Center project; and,

WHEREAS, The Planning Department determined that an environmental impact report was required for the Plan and Tower Center Project and prepared a Notice of Preparation ("NOP") of an Environmental Impact Report on July 20, 2008. The NOP was circulated for 30 days for public comment and review; and,

WHEREAS, On September 28, 2011, the Department published the Draft Environmental Impact Report ("DEIR") for the Plan and the Tower Center Project (Planning Department Case No. 2007.0558E and 2008.0789E). The DEIR included a programmatic analysis of the Plan and a project-specific analysis of the Tower Center Project; and

WHEREAS, The Planning Commission held a duly advertised public hearing on the DEIR, on November 3, 2011, at which time opportunity for public comment was provided on the DEIR, and written comments were received through November 28, 2011; and,

WHEREAS, The Department prepared responses to comments received at the public hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text of the DEIR and published a Comments and Responses Document on May 10, 2012; and

WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project 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 Comments and Responses document, all as required by law; and,

WHEREAS, On May 24, 2012, the Planning Commission reviewed and considered the FEIR and, by Motion No. 18628 found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied 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. 18628 the Commission found the FEIR to be adequate, accurate and objective, reflected the independent judgment and analysis of the Department and the Commission and that the Comments and Responses document contained no significant revisions to the DEIR, adopted findings relating to significant impacts associated with the Project and certified the completion of the FEIR in compliance with CEQA and the State CEQA Guidelines; and,

WHEREAS, On May 24, 2012, by Motion No. 18629 the Commission adopted CEQA Approval Findings, including a statement of overriding considerations and a Mitigation Monitoring and Reporting Program, and approved the Project; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 13, 2012, Sue C. Hestor, on behalf of Save Our Parks Sunlight Coalition, filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 13, 2012; and,

WHEREAS, On July 10, 2012, this Board held a duly noticed public hearing to consider the appeal of the FEIR certification filed by Appellant; and,

WHEREAS, This Board has reviewed and considered the FEIR, the appeal letter, 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 this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before this Board by reference in this Motion; now, therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare findings specifying the basis for its reversal of the certification of the FEIR by the Planning Commission.