

1 [Preparation of findings to disapprove certification of Central Subway Project Final
2 Supplemental EIR]

3 **Motion directing the Clerk of the Board to prepare findings disapproving the**
4 **certification by the Planning Commission of the Final Supplemental Environmental**
5 **Impact Report for the Central Subway Project.**

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7 WHEREAS, The San Francisco Municipal Transportation Agency (the "Project
8 Sponsor") is proposing to construct a continuation of the T-Third Light Rail Vehicle line from
9 the Caltrain Station at Fourth and King Street to an underground station in Chinatown (the
10 "Project"); and

11 WHEREAS, The Project Sponsor applied for environmental review of the Project,
12 which is Phase 2 of the Third Street Light Rail Project for which the City certified a joint
13 Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) in 1998 (Planning
14 Department Case File No 1996.281E); and

15 WHEREAS, The Planning Department for the City and County of San Francisco (the
16 "Department") determined that a Supplemental EIS/EIR was required for the Project and
17 provided public notice of that determination by publication in a newspaper of general
18 circulation on June 11, 2005; and

19 WHEREAS, On October 17, 2007, the Department published the Draft Supplemental
20 EIS/EIR and provided public notice in a newspaper of general circulation of the availability of
21 the document for public review and comment and of the date and time of the Planning
22 Commission public hearing on the Draft Supplemental EIS/EIR and mailed this notice to the
23 Department's list of persons requesting such notice; and

24 WHEREAS, Notice of availability of the Draft Supplemental EIS/EIR and the date and
25 time of the public hearing were posted along the project site on October 17, 2007 and on

1 October 26, 2007, the Federal Transit Administration published a notice of availability of the
2 Supplemental EIS in the Federal Register; and

3 WHEREAS, On October 17, 2007, copies of the Draft Supplemental EIS/EIR were
4 mailed or otherwise delivered to a list of persons requesting it, those noted on the distribution
5 list in the Draft Supplemental EIS/EIR, and government agencies and a notice of completion
6 was filed with the State Clearinghouse on October 15, 2007; and

7 WHEREAS, On November 15, 2007, the Planning Commission held a duly noticed
8 public hearing on the Draft Supplemental EIS/EIR, at which time opportunity for public
9 comment was received on the Draft Supplemental EIS/EIR, and written comments were
10 received through December 10, 2007; and

11 WHEREAS, The Department prepared responses to comments received at the public
12 hearing on the Draft Supplemental EIS/EIR and submitted in writing to the Department,
13 prepared revisions to the text of the Draft Supplemental EIS/EIR and published a Draft
14 Summary of Comments and Responses on July 11, 2008; and

15 WHEREAS, A Final Supplemental Environmental Impact Report ("Final Supplemental
16 EIR") for the Project was prepared by the Department, consisting of the Draft Supplemental
17 EIS/EIR, any consultations and comments received during the review process, any additional
18 information that became available and the Draft Summary of Comments and Responses, all
19 as required by law; and

20 WHEREAS, On August 7, 2008, the Commission reviewed and considered the Final
21 Supplemental EIR and, by Motion No. M-17668, found that the contents of said report and the
22 procedures through which the Final Supplemental EIR was prepared, publicized and reviewed
23 complied with the provisions of the California Environmental Quality Act (CEQA), the State
24 CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

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1 WHEREAS, By Motion No. M-17668, the Commission found the Final Supplemental
2 EIR to be adequate, accurate and objective, reflected the independent judgment and analysis
3 of the Department and the Commission and that the Summary of Comments and Responses
4 contained no significant revisions to the Draft Supplemental EIS/EIR, adopted findings relating
5 to significant impacts associated with the Project and certified the completion of the Final
6 Supplemental EIR in compliance with CEQA and the State CEQA Guidelines; and

7 WHEREAS, On August 19, 2008, by Resolution No. 08-150, the San Francisco
8 Municipal Transportation Agency Board of Directors approved the Project; and

9 WHEREAS, On August 20, 2008, John Elberling, President/CEO of Tenants and
10 Owners Development Corporation, filed an appeal of the Final Supplemental EIR with the
11 Clerk of the Board of Supervisors; and

12 WHEREAS, On August 27, 2008, Gerald Cauthen and Howard Wong filed an appeal of
13 the Final Supplemental EIR with the Clerk of the Board of Supervisors; and

14 WHEREAS, On August 27, 2008, James W. Andrew, of Ellman, Burke, Hoffman &
15 Johnson, on behalf of the owners of 800 Market Street, filed an appeal of the Final
16 Supplemental EIR with the Clerk of the Board of Supervisors; and

17 WHEREAS, The Board of Supervisors held a public hearing on September 16, 2008, to
18 review the decision by the Planning Commission to certify the Final Supplemental EIR; and

19 WHEREAS, The Final Supplemental EIR files and all correspondence and other
20 documents have been made available for review by the Board of Supervisors, the Planning
21 Commission and the public; these files are available for public review by appointment at the
22 Planning Department offices at 1650 Mission Street, and are part of the record before the
23 Board of Supervisors; and

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1 WHEREAS, This Board has reviewed and considered the Final Supplemental EIR and
2 heard testimony and received public comment regarding the adequacy of the Final
3 Supplemental EIR; now, therefore, be it

4 MOVED, That this Board directs the Clerk of the Board to prepare findings specifying
5 the basis for its disapproval of the certification of the Final Supplemental EIR by the Planning
6 Commission.

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