

1 [Preparation of findings to disapprove certification of the Market and Octavia Area Plan FEIR]

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3 **Motion directing the Clerk of the Board to prepare findings disapproving the**
4 **certification by the Planning Commission of the Final Environmental Impact Report for**
5 **the Market and Octavia Area Plan FEIR.**

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7 WHEREAS, The San Francisco Planning Commission (the "Commission") is proposing
8 to adopt the Market and Octavia Area Plan through amendments to the General Plan,
9 Planning Code, Zoning Map and Western Addition A-2 Redevelopment Plan and adoption of
10 urban design guidelines for an area generally located to the west of the City's downtown area
11 and including portions of Civic Center, Hayes Valley, Western Addition, South of Market, Inner
12 Mission, The Castro, Duboce Triangle, Eureka Valley and Upper Market neighborhoods of
13 San Francisco (the "Project"); and

14 WHEREAS, the San Francisco Planning Department (the "Department") initiated
15 environmental review by filing an environmental evaluation application on March 26, 2003
16 (City Planning File No. 2003.0347E); and

17 WHEREAS, The Department determined that an Environmental Impact Report ("EIR")
18 was required and provided public notice of that determination by publication in a newspaper of
19 general circulation on January 23, 2004; and

20 WHEREAS, On June 25, 2005, the Department published the Draft Environmental
21 Impact Report ("DEIR") for the Project; and

22 WHEREAS, On July 28, 2005, the Commission held a duly noticed public hearing on
23 the DEIR, at which time the Commission provided an opportunity for and received public
24 comments, and the Commission received written comments through August 23, 2005; and

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1 WHEREAS, The Department prepared responses to comments received at the public
2 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
3 of the DEIR and published a Draft Summary of Comments and Responses on September 26,
4 2006; and

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

9 WHEREAS, On April 5, 2007, the Commission reviewed and considered the FEIR and,
10 by Motion No. 17406, found that the contents of said report and the procedures through which
11 the FEIR was prepared, publicized and reviewed complied with the provisions of the California
12 Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San
13 Francisco Administrative Code; and

14 WHEREAS, By Motion No. 17406, the Commission found the FEIR to be adequate,
15 accurate and objective, reflected the independent judgment and analysis of the Department
16 and the Commission and that the Summary of Comments and Responses contained no
17 significant revisions to the DEIR, adopted findings relating to significant impacts associated
18 with the Project and certified the completion of the FEIR in compliance with CEQA and the
19 State CEQA Guidelines; and

20 WHEREAS, On April 5, 2007, by Motion No. 17407 and Resolutions 17408, 17409 and
21 17410, the Commission adopted CEQA Findings, including a statement of overriding
22 considerations and mitigation measures and a Mitigation Monitoring and Reporting Program,
23 and approved and recommended to the Board of Supervisors amendments to the General
24 Plan, Planning Code and Zoning Map required to implement the Market and Octavia Area
25 Plan; and

1 WHEREAS, On April 25, 2007, Martin Hamilton, on behalf of New College of California,
2 F. Joseph Butler, on behalf of the San Francisco Preservation Consortium and Mary Miles, on
3 behalf of the Coalition for Adequate Review, filed an appeal of the FEIR with the Clerk of the
4 Board of Supervisors; and

5 WHEREAS, The Board of Supervisors held a public hearing on May 22, 2007, to
6 review the decision by the Commission to certify the FEIR; and

7 WHEREAS, the FEIR files and all correspondence and other documents have been
8 made available for review by the Board of Supervisors, the Commission and the public; these
9 files are available for public review by appointment at the Department offices at 1650 Mission
10 Street, and are part of the record before the Board of Supervisors; and

11 WHEREAS, this Board has reviewed and considered the FEIR and heard testimony
12 and received public comment regarding the adequacy of the FEIR; now, therefore, be it

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

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