

1 [Preparation of Findings to Reverse Certification of the 222-2nd Street Project Final  
2 Environmental Impact Report]

3 **Motion directing the Clerk of the Board to prepare findings reversing the certification of**  
4 **the Final Environmental Impact Report for the 222-2nd Street Project.**

5  
6 WHEREAS, The Project Sponsor proposes to demolish the existing surface parking lot  
7 and the existing loading dock on the adjacent property, and construct a 26-story, 350-foot tall  
8 office building containing approximately 430,650 gross square feet of office space,  
9 approximately 5,000 square feet of ground floor retail space, approximately 28,000 square  
10 feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible  
11 open space at 222-2nd Street, at Howard Street, (the "Project"), within the C-3-O(SD) District  
12 and a 350-S/150-S Height and Bulk Districts; and

13 WHEREAS, The Project Sponsor applied for environmental review for the Project and  
14 for approvals under Planning Code Section 309, with exceptions to the requirements for  
15 sunlight access to public sidewalks in C-3 Districts (Planning Code Section 146), reduction of  
16 ground-level wind currents in C-3 Districts (Section 148), and bulk limits (Sections 270, 272),  
17 as well as a General Plan amendment and amendments to height and bulk classifications  
18 (Application No. 2006.1106BMXZ); and

19 WHEREAS, On January 27, 2010, the Department published the Draft Environmental  
20 Impact Report ("DEIR"); and

21 WHEREAS, The Planning Commission held a duly advertised public hearing on the  
22 DEIR on March 4, 2010, at which time public comment was received on the DEIR and written  
23 comments were received through March 25, 2010; and

24 WHEREAS, The Department prepared responses to comments received at the public  
25 hearing and in writing during the public review period for the DEIR, prepared revisions to the

1 text of the DEIR and published a Draft Comments and Responses document on July 8, 2010;  
2 and

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

7 WHEREAS, On August 12, 2010, the Commission reviewed and considered the FEIR  
8 and, by Motion No.18166, found that the contents of said report and the procedures through  
9 which the FEIR was prepared, publicized, and reviewed comply with the provisions of the  
10 California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Chapter 31 of  
11 the San Francisco Administrative Code; and

12 WHEREAS, By Motion No. 18166, the Commission found the FEIR reflected the  
13 independent judgment and analysis of the Department and Commission, was adequate,  
14 accurate and objective, and that the Comments and Responses document contained no  
15 significant revisions to the DEIR and certified the FEIR, finding that the Project described in  
16 the FEIR will have a project-level significant and unavoidable traffic impact at the intersection  
17 of Harrison and Second Streets, and would contribute considerably to a significant and  
18 unavoidable cumulative impact at the intersections of Howard and Third Streets, Howard and  
19 New Montgomery Streets, Folsom and Second Streets and Harrison and Second Streets; and

20 WHEREAS, By Motion No. 18166, the Commission approved the Project, adopting  
21 CEQA findings related to the Project approvals, including a statement of overriding  
22 consideration, and adopting a Mitigation Monitoring and Reporting Program for the Project;

23 WHEREAS, On September 1, 2010, Sue Hestor, on behalf of 246-2<sup>nd</sup> Street Owners  
24 Association, filed an appeal of the FEIR with the Clerk of the Board of Supervisors; and,

25

1           WHEREAS, The Board of Supervisors held a public hearing on the Project to review  
2 the decision by the Planning Commission to certify the FEIR; and

3           WHEREAS, The Board has reviewed and considered the FEIR, the appeal letter, the  
4 responses to concerns document that the Planning Department prepared, the other written  
5 records before the Board of Supervisors, and heard testimony and received public comment  
6 regarding the adequacy of the FEIR; and

7           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
8 reversed the Commission's decision to certify the FEIR for the Project based on the written  
9 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
10 support of and opposed to the appeal; and

11           WHEREAS, The FEIR files and all correspondence and other documents have been  
12 made available for review by the Board of Supervisors, the Commission, and the public, which  
13 files are available for public review by appointment at the Department offices at 1650 Mission  
14 Street, and are part of the record before the Board of Supervisors; now therefore be it,

15           MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
16 findings specifying the basis for its decision reversing the certification of the FEIR by the  
17 Commission for the Project.