

File No. 101034

Committee Item No. _____
Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS
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Committee _____

Date _____

Board of Supervisors Meeting

Date 9/28/10

Cmte Board

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OTHER (Use back side if additional space is needed)

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Completed by: Joy Lamug
Completed by: _____

Date 9/23/10
Date _____

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

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 246-2nd 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.