

1 [Affirm certification of the final environmental impact report for the 300 Spear Street Project.]

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3 **Motion affirming the Planning Commission certification of the final environmental**
4 **impact report for the 300 Spear Street Project.**

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6 WHEREAS, The project sponsor for a residential development at 300 Spear Street,
7 Assessor's Block 3746, Lot 1 and Assessor's Block 3745, Lots 1 and 8 (the "Project"),
8 submitted its application for environmental review of the Project to the San Francisco Planning
9 Department (the "Department"); and

10 WHEREAS, The Department created City Planning File No. 2000.1090E, subsequently
11 determined that an environmental impact report was required for the Project, and provided
12 public notice of that determination by publication in a newspaper of general circulation on July
13 21, 2001; and

14 WHEREAS, On September 14, 2002, the Department published a draft environmental
15 impact report (the "DEIR") (State Clearinghouse Number 2001072091) and provided notice of
16 the availability of the document for public review and comment. A copy of the DEIR is on file
17 with the Clerk of the Board of Supervisors in File No. 031631; and

18 WHEREAS, On November 26, 2002, the Planning Commission (the "Commission")
19 held a duly noticed public hearing on the DEIR; and

20 WHEREAS, On December 2, 2002, the public comment period on the DEIR ended;
21 and

22 WHEREAS, On June 9, 2003, the Department published a "Draft Summary of
23 Comments and Responses" on the DEIR and distributed such document to the Commission
24 and to all parties who commented on the DEIR. A copy of said document is on file with the
25 Clerk of the Board of Supervisors in File No. 031631; and

1 WHEREAS, On June 26, 2003 and September 4, 2003, the Commission, at a duly
2 noticed public hearing, considered the certification of the final environmental impact report
3 (the "FEIR"), which consists of the DEIR, the Draft Summary of Comments and Responses,
4 and related documents; and

5 WHEREAS, On September 4, 2003, in Motion No. 16643, the Commission certified the
6 FEIR finding that the contents of the FEIR and the procedures through which it was prepared,
7 publicized, and reviewed complied with the provisions of the California Environmental Quality
8 Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State
9 CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter
10 "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31");
11 and

12 WHEREAS, By said Motion No. 16643, the Commission found the FEIR reflected its
13 independent judgment and analysis and was adequate, accurate, and objective, and certified
14 the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said
15 Motion is on file with the Clerk of the Board in File No. 031631 and is incorporated by
16 reference herein; and

17 WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 23,
18 2003, Sue C. Hestor, on behalf of the Rincon Hill Residents Association and Baycrest Towers
19 Residential Association, filed a timely appeal of the FEIR certification to the Board of
20 Supervisors; and

21 WHEREAS, On October 21, 2003, this Board held a duly noticed public hearing to
22 consider the appeal of the FEIR certification; and

23 WHEREAS, This Board has reviewed and considered the FEIR and heard testimony
24 and received public comment regarding the adequacy of this document; and

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1 WHEREAS, The FEIR files and all correspondence and other documents have been
2 made available for review by this Board and the public. These files are available for public
3 review by appointment at the Planning Department offices at 1660 Mission Street and are
4 made part of the record before this Board by reference herein; and

5 WHEREAS, Since the Planning Commission action on the FEIR, there is no new
6 information of significance that would require a substantial revision to the FEIR and
7 necessitate recirculation of said document pursuant to CEQA Guideline section 15088.5; now,
8 therefore, be it

9 MOVED, That based on substantial evidence in light of the whole record, this Board of
10 Supervisors finds that: 1) the FEIR reflects its independent judgment and analysis and is
11 adequate, accurate, and objective; 2) the FEIR's conclusions are correct; and 3) the findings
12 contained in the Planning Commission certification are correct; and this Board hereby affirms
13 the decision of the Planning Commission in its Motion No. 16643 to certify the FEIR in
14 compliance with CEQA, the State CEQA Guidelines, and Chapter 31, and hereby adopts the
15 findings contained in Planning Commission Motion No. 16643.

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