

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

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

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

11 WHEREAS, The Department created City Planning File No. 2000.1090E, subsequently
12 determined that an environmental impact report was required for the Project, and provided
13 public notice of that determination by publication in a newspaper of general circulation on July
14 21, 2001; and

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

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

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

23 WHEREAS, On June 9, 2003, the Department published a "Draft Summary of
24 Comments and Responses" on the DEIR and distributed such document to the Commission

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1 and to all parties who commented on the DEIR. A copy of said document is on file with the
2 Clerk of the Board of Supervisors in File No. 031631; and

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

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

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

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

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

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

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; now, therefore, be it

5 MOVED, That this Board of Supervisors reverses the Planning Commission's
6 certification of the FEIR.

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