

1 [Reversing Certification of Final Environmental Impact Report - 350 Mission Street Project]

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3 **Motion reversing the certification by the Planning Commission of the Final**
4 **Environmental Impact Report for the 350 Mission Street Project.**

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6 WHEREAS, The proposed Project would demolish the existing four-story building on
7 the Project Site and construct a new 24-story office building, with a roof height of 350 feet and
8 a mechanical screen reaching a height of approximately 374 feet, with approximately 340,000
9 square feet of office space, approximately 1,000 square feet of retail space, approximately
10 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of
11 publicly-accessible interior open space located at 350 Mission Street, at Fremont Street,
12 within the C-3-O (Downtown Office) District and the 550-S Height and Bulk District ("Project");
13 and

14 WHEREAS, the Planning Department determined that an environmental impact report
15 was required for the Project and published an Initial Study for the Project on June 2, 2010,
16 and provided public notice by publication in a newspaper of general circulation on June 2,
17 2010, and held a scoping meeting on June 22, 2010; and

18 WHEREAS, On September 15, 2010, the Department published the Draft
19 Environmental Impact Report ("DEIR") for the Project (Planning Department File No.
20 2006.1524E); and

21 WHEREAS, The Planning Department held a duly advertised public hearing on the
22 DEIR, on October 28, 2010, at which time opportunity for public comment was provided on the
23 DEIR, and written comments were received through November 2, 2010; and

24 WHEREAS, The Department prepared responses to comments received at the public
25 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text

1 of the DEIR and published a Summary of Comments and Responses on January 26, 2011;
2 and

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

7 WHEREAS, On February 10, 2011, the Planning Commission reviewed and
8 considered the FEIR and, by Motion No18265 found that the contents of said report and the
9 procedures through which the FEIR was prepared, publicized and reviewed complied with the
10 provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines
11 and Chapter 31 of the San Francisco Administrative Code; and

12 WHEREAS, By Motion No. 18265 the Commission found the FEIR to be adequate,
13 accurate and objective, reflected the independent judgment and analysis of the Department
14 and the Commission and that the Summary of Comments and Responses contained no
15 significant revisions to the DEIR, adopted findings relating to significant impacts associated
16 with the Project and certified the completion of the FEIR in compliance with CEQA and the
17 State CEQA Guidelines; and

18 WHEREAS, On February 10, 2010, by Motion No. 18266, the Commission adopted
19 CEQA Approval Findings, including a statement of overriding considerations and a Mitigation
20 Monitoring and Reporting Program, and approved the Project; and

21 WHEREAS, By letter to the Clerk of the Board of Supervisors dated March 2, 2011,
22 Alex Degood, of Jeffer Mangels Butler & Mitchell LLP, on behalf of the owners of 50 Beale
23 Street, filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board
24 of Supervisors received on or around March 2, 2011; and

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1 WHEREAS, On March 29, 2011, this Board held a duly noticed public hearing to
2 consider the appeal of the FEIR certification filed by Appellant; and

3 WHEREAS, This 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, the FEIR files and all correspondence and other documents have been
8 made available for review by this Board and the public. These files are available for public
9 review by appointment at the Planning Department offices at 1650 Mission Street, and are
10 part of the record before this Board by reference in this motion; now, therefore, be it

11 MOVED, That this Board of Supervisors reverses the certification of the FEIR by the
12 Planning Commission.

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