

1 [Disapprove certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR.]

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3 **Motion disapproving the certification by the Planning Commission of the Final**
4 **Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans**
5 **Project.**

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7 WHEREAS, Planning Department and Commission (the "Project Sponsor") is
8 proposing to adopt the Eastern Neighborhoods Rezoning and Area Plans, including General
9 Plan Amendments, Rezoning, and Zoning Map Amendments (the "Project"); and

10 WHEREAS, the Project Sponsor initiated the legislation and other actions related to
11 this Project on April 17, 2008 (City Planning File Nos. 2004.0160M, 2004.0160T, 2004.0160Z,
12 2004.0160U, and 2004.0160UU); and

13 WHEREAS, The Planning Department for the City and County of San Francisco (the
14 "Department") determined that an Environmental Impact Report ("EIR") was required and
15 provided public notice of that determination by publication in a newspaper of general
16 circulation on March 9, 2005; and

17 WHEREAS, On June 30, 2007, the Department published the Draft Environmental
18 Impact Report ("DEIR") for the Project; and

19 WHEREAS, On August 9, 2007, the Commission held a duly noticed public hearing on
20 the DEIR, at which time opportunity for public comment was received on the DEIR, and
21 written comments were received through September 14, 2007; and

22 WHEREAS, The Department prepared responses to comments received at the public
23 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
24 of the DEIR and published a Draft Summary of Comments and Responses on May 29, 2008.

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1 The Department, on August 6, 2007 also submitted a memo to the Planning Commission
2 addressing additional modifications to the Project; 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 Draft Summary of Comments and Responses, all as required by law; and

7 WHEREAS, On August 7, 2008, the Commission reviewed and considered the FEIR
8 and, by Motion No. 17659, found that the contents of said report and the procedures through
9 which the FEIR was prepared, publicized and reviewed complied 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. 17659, 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 August 7, 2008, by Motion No. 17661, and Resolution Nos. 17662,
19 17663, and 17664, the Commission approved the Project and recommended it to the Board of
20 Supervisors; and

21 WHEREAS, On August 8, 2008, Chris Durazo, on behalf of the South of Market
22 Community Action Network (SOMCAN) filed an appeal of the FEIR with the Clerk of the Board
23 of Supervisors; and

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1 WHEREAS, On August 27, 2008, Gary Noguera, on behalf of the Coalition for San
2 Fraancisco Neighborhoods (CSFN) filed another appeal of the FEIR with the Clerk of the
3 Board of Supervisors; and

4 WHEREAS, The Board of Supervisors consolidated these appeals and held a public
5 hearing on September 9, 2008 to review the decision by the Planning Commission to certify
6 the FEIR; and

7 WHEREAS, the FEIR files and all correspondence and other documents have been
8 made available for review by the Board of Supervisors, the Planning Commission and the
9 public; these files are available for public review by appointment at the Planning Department
10 offices at 1660 Mission Street, and are part of the record before the Board of Supervisors; and

11 WHEREAS, this Board has reviewed and considered the FEIR and heard testimony
12 and received public comment regarding the adequacy of the FEIR; now, therefore, be it

13 MOVED, That this Board of Supervisors disapproves the certification of the FEIR by
14 the Planning Commission.

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