

1 [Reverse certification of the final environmental impact report for the 301 Mission Street  
2 Project.]

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4 **Motion reversing the Planning Commission certification of the final environmental**  
5 **impact report for the 301 Mission Street Project.**

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7 WHEREAS, The project sponsor for a mixed-use development at 301 Mission Street,  
8 Assessor's Block 3719, Lots 1 and 17 (the "Project") submitted its application for  
9 environmental review of the Project to the San Francisco Planning Department (the  
10 "Department"); and

11 WHEREAS, The Department created City Planning File No. 2001.0792E, 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 May  
14 11, 2002; and

15 WHEREAS, On February 15, 2003, the Department published a draft environmental  
16 impact report (the "DEIR") (State Clearinghouse Number 2002052062) and provided notice of  
17 the availability of the document for public review and comment. A copy of said document is  
18 on file with the Clerk of the Board of Supervisors in File No. 031485 and is incorporated by  
19 reference herein; and

20 WHEREAS, On March 20, 2003, the Planning Commission (the "Commission") held a  
21 duly noticed public hearing on the DEIR; and

22 WHEREAS, On April 3, 2003, the 47-day public comment period on the DEIR ended;  
23 and

24 WHEREAS, On July 17, 2003, the Department published a "Draft Summary of  
25 Comments and Responses" on the DEIR and distributed such document to the Commission

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. 031485 and is incorporated by reference herein;  
3 and

4 WHEREAS, Prior to publication of the Draft Summary of Comments and Responses,  
5 the project sponsor notified the Planning Department that its preferred alternative is the  
6 Project analyzed in the main text of the DEIR with the incorporation of Alternative E-1: To  
7 Accommodate Transbay Terminal and Second-to-Main Street Caltrain Extension Alignment;  
8 and

9 WHEREAS, On July 31, 2003, the Commission, at a duly noticed public hearing,  
10 considered the certification of the final environmental impact report (the "FEIR"), which  
11 consists of the DEIR, the Draft Summary of Comments and Responses, and related  
12 documents; and

13 WHEREAS, On this same date, in Motion No. 16621, the Commission certified the  
14 FEIR finding that the contents of the FEIR and the procedures through which it was prepared,  
15 publicized, and reviewed complied with the provisions of the California Environmental Quality  
16 Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State  
17 CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter  
18 "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31");  
19 and

20 WHEREAS, By said Motion No. 16621, the Commission found the FEIR reflected its  
21 independent judgment and analysis and was adequate, accurate, and objective, and certified  
22 the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said  
23 Motion is on file with the Clerk of the Board in File No. 031485 and is incorporated by  
24 reference herein; and

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1           WHEREAS, By letter to the Clerk of the Board of Supervisors dated August 20, 2003,  
2 Sue C. Hestor, on behalf of the Rincon Hill Residents Association, filed a timely appeal of the  
3 FEIR certification to the Board of Supervisors; and

4           WHEREAS, On September 16, 2003, this Board held a duly notice public hearing to  
5 consider the appeal of the FEIR certification; and

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

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

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

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

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