

1 [Reverse certification of the final environmental impact report for the Transbay Terminal.]

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3 **Motion reversing the Planning Commission certification of the final environmental**
4 **impact report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment**
5 **Project.**

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7 WHEREAS, The Transbay Joint Powers Authority is the project sponsor for the
8 reconstruction of the Transbay Terminal, which is located at 425 Mission Street; Caltrain
9 Downtown Extension; and various related actions (the “Transbay Terminal Component”). The
10 project also includes the Transbay Redevelopment Plan, which is jointly sponsored by the City
11 and County of San Francisco and the San Francisco Redevelopment Agency. (The Transbay
12 Terminal Component and the Transbay Redevelopment Plan shall be collectively referred to
13 herein as the “Project”.); and

14 WHEREAS, Upon initiation of the environmental review for the Project, the San
15 Francisco Planning Department (the “Department”) determined that an environmental impact
16 report (“EIR”) was required, created City Planning File No. 2000.048E, and provided public
17 notice of that determination by publication in a newspaper of general circulation on March 17,
18 2001. The EIR has three co-lead agencies: the City and County of San Francisco, the San
19 Francisco Redevelopment Agency, and the Peninsula Corridor Joint Powers Board (“JPB”);
20 and

21 WHEREAS, Because the Transbay Terminal Component will obtain funding from the
22 Federal Transit Administration (the “FTA”), and due to the potential environmental impacts of
23 the Transbay Terminal Component, the FTA determined that a federal environmental impact
24 statement (“EIS”) was required. On March 28, 2001, the FTA published in the federal register
25 a notice of intent to prepare an EIS; and

1 WHEREAS, The three co-lead agencies and the FTA agreed to combine the federal
2 and State environmental review documents into a single joint EIS/EIR; and

3 WHEREAS, On October 5, 2002, the Department published a draft EIS/EIR and
4 provided notice of the availability of the document for public review and comment. A copy of
5 said document is on file with the Clerk of the Board of Supervisors in File No. 040616 and is
6 incorporated herein by reference; and

7 WHEREAS, On November 26, 2002, the Planning Commission (the "Commission")
8 held a duly noticed public hearing on the draft EIS/EIR. The Redevelopment Agency, on
9 November 11, 2002, and the JPB staff, on November 13, 2002, each held an additional duly
10 noticed public hearing on the draft EIS/EIR; and

11 WHEREAS, On December 20, 2002, the 77-day public comment period on the draft
12 EIS/EIR ended; and

13 WHEREAS, On March 28, 2003, in Resolution No. 03-001, the Transbay Joint Powers
14 Authority, following FTA guidelines and regulations, adopted the locally preferred alternative
15 for inclusion in the Final EIS/EIR. The locally preferred alternative consists of the "West
16 Ramp" Transbay Terminal, "Second Street-to-Main Street" track alignment, "Tunneling", and
17 "Full Build" program for the Transbay Redevelopment Plan. A copy of said document is on file
18 with the Clerk of the Board of Supervisors in File No. 040616 and is incorporated herein by
19 reference; and

20 WHEREAS, On March 24, 2004, the Department published a "Draft Summary of
21 Comments and Responses" on the draft EIS/EIR (Volume II). On this same date, the
22 Department also published revisions to the draft EIS/EIR (Volume I) that included refinements
23 to the Project analyzed and staff-initiated text changes to take into account concerns that
24 commentors had raised. Both Volumes I and II were distributed to the Commission and other
25 co-lead agencies and to all parties who commented on the draft EIS/EIR. Copies of said

1 documents are on file with the Clerk of the Board of Supervisors in File No. 040616 and are
2 incorporated herein by reference; and

3 WHEREAS, On April 22, 2004, the Commission and the JPB, at a duly noticed joint
4 public hearing, considered the certification of the final EIR, which consisted of the draft
5 EIS/EIR, the Draft Summary of Comments and Responses, revisions to the draft EIS/EIR, and
6 related documents; and

7 WHEREAS, On said date, in Motion No. 16773, the Commission found that the
8 contents of the Final EIS/EIR and the procedures through which it was prepared, publicized,
9 and reviewed complied with the provisions of the California Environmental Quality Act (Cal.
10 Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA
11 Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA
12 Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

13 WHEREAS, By said Motion, the Commission also found the Final EIS/EIR reflected its
14 independent judgment and analysis and was adequate, accurate, and objective, and certified
15 the Final EIR in compliance with CEQA, the CEQA Guidelines, and Chapter 31. Said Motion
16 is on file with the Clerk of the Board in File No. 040616 and is incorporated herein by
17 reference; and

18 WHEREAS, On April 22, 2004, in Resolution No. 2004-11, the JPB also certified the
19 Final EIR and made similar findings to those of the Commission in regard to CEQA and the
20 CEQA Guidelines. Said Resolution is on file with the Clerk of the Board in File No. 040616
21 and is incorporated herein by reference; and

22 WHEREAS, On April 20, 2004, in Resolution No. 45-2004, the Redevelopment Agency,
23 at a duly noticed public hearing, also certified the final EIR and made similar findings to those
24 of the Commission and JPB in regard to CEQA and the CEQA Guidelines. Said Resolution is
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1 on file with the Clerk of the Board in File No. 040616 and is incorporated herein by reference;
2 and

3 WHEREAS, By separate letters to the Clerk of the Board of Supervisors dated May 10,
4 2004, Oliver L. Holmes, on behalf of unidentified individuals and entities that will be impacted
5 by the Transbay Terminal project, and Timothy A. Tosta, on behalf of Myers Natoma Venture
6 and Myers Development Company, filed timely appeals of the Final EIR certification to the
7 Board of Supervisors. On May 12, 2004, Joseph J. Brecher, on behalf of various Stillman
8 Street and Clocktower Loft residents and businesses, also filed a timely appeal of the Final
9 EIR certification; and

10 WHEREAS, On June 8, 2004, this Board held a duly notice public hearing to consider
11 the appeal of the Final EIR certification; and

12 WHEREAS, This Board has reviewed and considered the Final EIS/EIR and heard
13 testimony and received public comment regarding the adequacy of this document; and

14 WHEREAS, The Final EIS/EIR files and all correspondence and other documents have
15 been made available for review by this Board and the public. These files are available for
16 public review by appointment at the Planning Department offices at 1660 Mission Street and
17 are made part of the record before this Board by reference herein; and

18 WHEREAS, Since the Planning Commission action on the Final EIR, there is no new
19 information of significance that would require a substantial revision to the Final EIR and
20 necessitate recirculation of said document pursuant to CEQA Guidelines section 15088.5;
21 now, therefore, be it

22 MOVED, That this Board of Supervisors reverses the Planning Commission's
23 certification of the Final EIR.

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