

1 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 350
2 Mission Street Project]

3 **Motion directing the Clerk of the Board to prepare findings reversing the certification**
4 **by the Planning Commission of the Final Environmental Impact Report for the 350**
5 **Mission Street Project.**
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7 WHEREAS, The proposed Project would demolish the existing four-story building on
8 the Project Site and construct a new 24-story office building, with a roof height of 350 feet and
9 a mechanical screen reaching a height of approximately 374 feet, with approximately 340,000
10 square feet of office space, approximately 1,000 square feet of retail space, approximately
11 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of
12 publicly-accessible interior open space located at 350 Mission Street, at Fremont Street,
13 within the C-3-O (Downtown Office) District and the 550-S Height and Bulk District ("Project");
14 and
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16 WHEREAS, the Planning Department determined that an environmental impact report
17 was required for the Project and published an Initial Study for the Project on June 2, 2010,
18 and provided public notice by publication in a newspaper of general circulation on June 2,
19 2010, and held a scoping meeting on June 22, 2010; and

20 WHEREAS, On September 15, 2010, the Department published the Draft
21 Environmental Impact Report ("DEIR") for the Project (Planning Department File No.
22 2006.1524E); and

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

1 WHEREAS, The Department prepared responses to comments received at the public
2 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
3 of the DEIR and published a Summary of Comments and Responses on January 26, 2011;
4 and

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

9 WHEREAS, On February 10, 2011, the Planning Commission reviewed and
10 considered the FEIR and, by Motion No. 18265, found that the contents of said report and the
11 procedures through which the FEIR was prepared, publicized and reviewed complied with the
12 provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines
13 and Chapter 31 of the San Francisco Administrative Code; and

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

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

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

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

5 WHEREAS, This Board has reviewed and considered the FEIR, the appeal letter, the
6 responses to concerns document that the Planning Department prepared, the other written
7 records before the Board of Supervisors, and heard testimony and received public comment
8 regarding the adequacy of the FEIR; and

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

13 MOVED, That this Board directs the Clerk of the Board to prepare findings specifying
14 the basis for its reversal of the certification of the FEIR by the Planning Commission.

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