

1 [Disapprove certification of Central Subway Project Final Supplemental EIR]

2

3 **Motion disapproving the certification by the Planning Commission of the Final**  
4 **Supplemental Environmental Impact Report for Central Subway Project.**

5

6 WHEREAS, The San Francisco Municipal Transportation Agency (the "Project  
7 Sponsor") is proposing to construct a continuation of the T-Third Light Rail Vehicle line from  
8 the Caltrain Station at Fourth and King Street to an underground station in Chinatown (the  
9 "Project"); and

10 WHEREAS, The Project Sponsor applied for environmental review of the Project,  
11 which is Phase 2 of the Third Street Light Rail Project for which the City certified a joint  
12 Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) in 1998 (Planning  
13 Department Case File No 1996.281E); and

14 WHEREAS, The Planning Department for the City and County of San Francisco (the  
15 "Department") determined that a Supplemental EIS/EIR was required for the Project and  
16 provided public notice of that determination by publication in a newspaper of general  
17 circulation on June 11, 2005; and

18 WHEREAS, On October 17, 2007, the Department published the Draft Supplemental  
19 EIS/EIR and provided public notice in a newspaper of general circulation of the availability of  
20 the document for public review and comment and of the date and time of the Planning  
21 Commission public hearing on the Draft Supplemental EIS/EIR and mailed this notice to the  
22 Department's list of persons requesting such notice; and

23 WHEREAS, Notice of availability of the Draft Supplemental EIS/EIR and the date and  
24 time of the public hearing were posted along the project site on October 17, 2007 and on

25

1 October 26, 2007, the Federal Transit Administration published a notice of availability of the  
2 Supplemental EIS in the Federal Register; and

3 WHEREAS, On October 17, 2007, copies of the Draft Supplemental EIS/EIR were  
4 mailed or otherwise delivered to a list of persons requesting it, those noted on the distribution  
5 list in the Draft Supplemental EIS/EIR, and government agencies and a notice of completion  
6 was filed with the State Clearinghouse on October 15, 2007; and

7 WHEREAS, On November 15, 2007, the Planning Commission held a duly noticed  
8 public hearing on the Draft Supplemental EIS/EIR, at which time opportunity for public  
9 comment was received on the Draft Supplemental EIS/EIR, and written comments were  
10 received through December 10, 2007; and

11 WHEREAS, The Department prepared responses to comments received at the public  
12 hearing on the Draft Supplemental EIS/EIR and submitted in writing to the Department,  
13 prepared revisions to the text of the Draft Supplemental EIS/EIR and published a Draft  
14 Summary of Comments and Responses on July 11, 2008; and

15 WHEREAS, A Final Supplemental Environmental Impact Report ("Final Supplemental  
16 EIR") for the Project was prepared by the Department, consisting of the Draft Supplemental  
17 EIS/EIR, any consultations and comments received during the review process, any additional  
18 information that became available and the Draft Summary of Comments and Responses, all  
19 as required by law; and

20 WHEREAS, On August 7, 2008, the Commission reviewed and considered the Final  
21 Supplemental EIR and, by Motion No. M-17668, found that the contents of said report and the  
22 procedures through which the Final Supplemental EIR was prepared, publicized and reviewed  
23 complied with the provisions of the California Environmental Quality Act (CEQA), the State  
24 CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

25

1           WHEREAS, By Motion No. M-17668, the Commission found the Final Supplemental  
2 EIR to be adequate, accurate and objective, reflected the independent judgment and analysis  
3 of the Department and the Commission and that the Summary of Comments and Responses  
4 contained no significant revisions to the Draft Supplemental EIS/EIR, adopted findings relating  
5 to significant impacts associated with the Project and certified the completion of the Final  
6 Supplemental EIR in compliance with CEQA and the State CEQA Guidelines; and

7           WHEREAS, On August 19, 2008, by Resolution No. 08-150, the San Francisco  
8 Municipal Transportation Agency Board of Directors approved the Project; and

9           WHEREAS, On August 20, 2008, John Elberling, President/CEO of Tenants and  
10 Owners Development Corporation, filed an appeal of the Final Supplemental EIR with the  
11 Clerk of the Board of Supervisors; and

12           WHEREAS, On August 27, 2008, Gerald Cauthen and Howard Wong filed an appeal of  
13 the Final Supplemental EIR with the Clerk of the Board of Supervisors; and

14           WHEREAS, On August 27, 2008, James W. Andrew, of Ellman, Burke, Hoffman &  
15 Johnson, on behalf of the owners of 800 Market Street, filed an appeal of the Final  
16 Supplemental EIR with the Clerk of the Board of Supervisors; and

17           WHEREAS, The Board of Supervisors held a public hearing on September 16, 2008, to  
18 review the decision by the Planning Commission to certify the Final Supplemental EIR; and

19           WHEREAS, The Final Supplemental EIR files and all correspondence and other  
20 documents have been made available for review by the Board of Supervisors, the Planning  
21 Commission and the public; these files are available for public review by appointment at the  
22 Planning Department offices at 1650 Mission Street, and are part of the record before the  
23 Board of Supervisors; and

1           WHEREAS, This Board has reviewed and considered the Final Supplemental EIR and  
2 heard testimony and received public comment regarding the adequacy of the Final  
3 Supplemental EIR; now, therefore, be it

4           MOVED, That this Board of Supervisors disapproves the certification of the Final  
5 Supplemental EIR by the Planning Commission.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25