

1 [Reversing Certification of the Transit Center District Plan and Transit Tower FEIR]

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3 **Motion reversing the certification by the Planning Commission of the Final**
4 **Environmental Impact Report for the Transit Center District Plan and Transbay Joint**
5 **Power's Authority Transit Tower Project.**

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7 WHEREAS, The Transit Center District Plan proposes new planning policies and
8 controls for land use; urban form, including building height and design; street change/public
9 realm improvements; historic preservation; and sustainability (the "Plan"). The area subject to
10 the Plan is centered on the new Transit Center, and is bounded generally by Market, Steuart,
11 and Folsom Streets, and a line east of Third Street. The Plan would allow height limit
12 increases permitting up to about six buildings at a height of 700 feet or taller, including the
13 proposed Transit Tower. It also includes financial support for the new Transit Center, which is
14 under construction and will replace the former Transbay Terminal as a regional transit hub;
15 and,

16 WHEREAS, The Transit Tower Project is proposed by the Transbay Joint Powers
17 Authority (the "TJPA") as a 61-story, approximately 1,070-foot office building consisting of
18 about 1.35 million square feet of office space proposed for approximately the northern third of
19 the block bounded by First, Mission, Fremont, and Howard Streets. The Transit Tower
20 Project would occupy Assessor's Block 3720, Lot 09 adjacent to the new Transit Center, on
21 the south side of Mission Street between Fremont and First Streets. The project site is
22 approximately 50,000 square in size and was most recently used as the passenger waiting
23 and loading and MUNI drop-off/layover area for the old Transbay Terminal, which was
24 demolished beginning in August 2010. The TJPA intends to sell the Transit Tower site to

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1 Hines Transbay Tower LLC, which would development the tower. The TJPA would use the
2 proceeds from the sale to help fund the Transit Center project; and,

3 WHEREAS, The Planning Department determined that an environmental impact report
4 was required for the Plan and Tower Center Project and prepared a Notice of Preparation
5 (“NOP”) of an Environmental Impact Report on July 20, 2008. The NOP was circulated for 30
6 days for public comment and review; and,

7 WHEREAS, On September 28, 2011, the Department published the Draft
8 Environmental Impact Report ("DEIR") for the Plan and the Tower Center Project (Planning
9 Department Case No. 2007.0558E and 2008.0789E). The DEIR included a programmatic
10 analysis of the Plan and a project-specific analysis of the Tower Center Project; and

11 WHEREAS, The Planning Commission held a duly advertised public hearing on the
12 DEIR, on November 3, 2011, at which time opportunity for public comment was provided on
13 the DEIR, and written comments were received through November 28, 2011; and,

14 WHEREAS, The Department prepared responses to comments received at the public
15 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
16 of the DEIR and published a Comments and Responses Document on May 10, 2012; and

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

21 WHEREAS, On May 24, 2012, the Planning Commission reviewed and considered the
22 FEIR and, by Motion No. 18628 found that the contents of said report and the procedures
23 through which the FEIR was prepared, publicized and reviewed complied with the provisions
24 of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and
25 Chapter 31 of the San Francisco Administrative Code; and,

1 WHEREAS, By Motion No. 18628 the Commission found the FEIR to be adequate,
2 accurate and objective, reflected the independent judgment and analysis of the Department
3 and the Commission and that the Comments and Responses document contained no
4 significant revisions to the DEIR, adopted findings relating to significant impacts associated
5 with the Project and certified the completion of the FEIR in compliance with CEQA and the
6 State CEQA Guidelines; and,

7 WHEREAS, On May 24, 2012, by Motion No. 18629 the Commission adopted CEQA
8 Approval Findings, including a statement of overriding considerations and a Mitigation
9 Monitoring and Reporting Program, and approved the Project; and

10 WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 13, 2012,
11 Sue C. Hestor, on behalf of Save Our Parks Sunlight Coalition, filed an appeal of the FEIR to
12 the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around
13 June 13, 2012; and,

14 WHEREAS, On July 10, 2012, this Board held a duly noticed public hearing to consider
15 the appeal of the FEIR certification filed by Appellant; and,

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

20 WHEREAS, The FEIR files and all correspondence and other documents have been
21 made available for review by this Board and the public. These files are available for public
22 review by appointment at the Planning Department offices at 1650 Mission Street, and are
23 part of the record before this Board by reference in this Motion; now, therefore, be it

24 MOVED, That this Board of Supervisors reverses the certification of the FEIR by the
25 Planning Commission.