Motion affirming the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the Central Subway Project.

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

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

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

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

WHEREAS, Notice of availability of the Draft Supplemental EIS/EIR and the date and time of the public hearing were posted along the project site on October 17, 2007 and on
October 26, 2007, the Federal Transit Administration published a notice of availability of the Supplemental EIS in the Federal Register; and

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

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

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

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

WHEREAS, On August 7, 2008, the Commission reviewed and considered the Final Supplemental EIR and, by Motion No. M-17668, found that the contents of said report and the procedures through which the Final Supplemental EIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and
WHEREAS, By Motion No. M-17668, the Commission found the Final Supplemental EIR to be adequate, accurate and objective, reflected the independent judgment and analysis of the Department and the Commission and that the Summary of Comments and Responses contained no significant revisions to the Draft Supplemental EIS/EIR, adopted findings relating to significant impacts associated with the Project and certified the completion of the Final Supplemental EIR in compliance with CEQA and the State CEQA Guidelines; and

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

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

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

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

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

WHEREAS, The Final Supplemental EIR files and all correspondence and other documents have been made available for review by the Board of Supervisors, the Planning Commission and the public; these files are available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before the Board of Supervisors; and
WHEREAS, This Board has reviewed and considered the Final Supplemental EIR and heard testimony and received public comment regarding the adequacy of the Final Supplemental EIR; now, therefore, be it

MOVED, That this Board of Supervisors hereby affirms the decision of the Planning Commission in its Motion No. M-17668 to certify the Final Supplemental EIR and finds the Final Supplemental EIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA and the State CEQA Guidelines.
Motion affirming the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the Central Subway Project.

September 16, 2008 Board of Supervisors — APPROVED
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

File No. 081138

I hereby certify that the foregoing Motion was APPROVED on September 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board