[Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

WHEREAS, The Project Sponsor proposes to demolish the existing surface parking lot and the existing loading dock on the adjacent property, and construct a 26-story, 350-foot tall office building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space at 222-2nd Street, at Howard Street, (the "Project"), within the C-3-O(SD) District and a 350-S/150-S Height and Bulk Districts; and

WHEREAS, The Project Sponsor applied for environmental review for the Project and for approvals under Planning Code Section 309, with exceptions to the requirements for sunlight access to public sidewalks in C-3 Districts (Planning Code Section 146), reduction of ground-level wind currents in C-3 Districts (Section 148), and bulk limits (Sections 270, 272), as well as a General Plan amendment and amendments to height and bulk classifications (Application No. 2006.1106BMXZ); and

WHEREAS, On January 27, 2010, the Department published the Draft Environmental Impact Report ("DEIR"); and

WHEREAS, The Planning Commission held a duly advertised public hearing on the DEIR on March 4, 2010, at which time public comment was received on the DEIR and written comments were received through March 25, 2010; and

WHEREAS, The Department prepared responses to comments received at the public hearing and in writing during the public review period for the DEIR, prepared revisions to the
text of the DEIR and published a Draft Comments and Responses document on July 8, 2010;

and

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

WHEREAS, On August 12, 2010, the Commission reviewed and considered the FEIR and, by Motion No. 18166, found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply 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. 18166, the Commission found the FEIR reflected the independent judgment and analysis of the Department and Commission, was adequate, accurate and objective, and that the Comments and Responses document contained no significant revisions to the DEIR and certified the FEIR, finding that the Project described in the FEIR will have a project-level significant and unavoidable traffic impact at the intersection of Harrison and Second Streets, and would contribute considerably to a significant and unavoidable cumulative impact at the intersections of Howard and Third Streets, Howard and New Montgomery Streets, Folsom and Second Streets and Harrison and Second Streets; and

WHEREAS, By Motion No. 18166, the Commission approved the Project, adopting CEQA findings related to the Project approvals, including a statement of overriding consideration, and adopting a Mitigation Monitoring and Reporting Program for the Project;

WHEREAS, On September 1, 2010, Sue Hestor, on behalf of 246-2nd Street Owners Association, filed an appeal of the FEIR with the Clerk of the Board of Supervisors; and,
WHEREAS, The Board of Supervisors held a public hearing on the Project to review the decision by the Planning Commission to certify the FEIR; and

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

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by the Board of Supervisors, the Commission, and the public, which files are available for public review by appointment at the Department offices at 1650 Mission Street, and are part of the record before the Board of Supervisors; now therefore be it,

MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the FEIR; and be it

FURTHER MOVED, That after carefully considering the appeal of the FEIR, including the written information submitted to the Board of Supervisors and the public testimony presented to the Board of Supervisors, this Board hereby affirms the decision of the Planning Commission in its Motion No. 18166 to certify the FEIR and finds the FEIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA, the State CEQA Guidelines, and Administrative Code Chapter 31.
Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

September 28, 2010 Board of Supervisors - CONTINUED
   Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar and Maxwell
   Excused: 1 - Mirkarimi
   Absent: 1 - Avalos

October 05, 2010 Board of Supervisors - APPROVED
   Ayes: 7 - Alioto-Pier, Chiu, Chu, Duffy, Elsbernd, Maxwell and Mirkarimi
   Noes: 4 - Avalos, Campos, Daly and Mar

I hereby certify that the foregoing Motion was APPROVED on 10/5/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board