Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

WHEREAS, The proposed Project would demolish the existing four-story building on the Project Site and construct a new 24-story office building, with a roof height of 350 feet and a mechanical screen reaching a height of approximately 374 feet, with approximately 340,000 square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space located at 350 Mission Street, at Fremont Street, within the C-3-O (Downtown Office) District and the 550-S Height and Bulk District ("Project"); and

WHEREAS, the Planning Department determined that an environmental impact report was required for the Project and published an Initial Study for the Project on June 2, 2010, and provided public notice by publication in a newspaper of general circulation on June 2, 2010, and held a scoping meeting on June 22, 2010; and

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

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

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

WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project 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 Summary of Comments and Responses, all as required by law; and

WHEREAS, On February 10, 2011, the Planning Commission reviewed and considered the FEIR and, by Motion No.18265, found that the contents of said report and the procedures through which the FEIR 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. 18265, the Commission found the FEIR 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 DEIR, adopted findings relating to significant impacts associated with the Project and certified the completion of the FEIR in compliance with CEQA and the State CEQA Guidelines; and

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

WHEREAS, By letter to the Clerk of the Board of Supervisors dated March 2, 2011, Alex Degood, of Jeffer Mangels Butler & Mitchell LLP, on behalf of the owners of 50 Beale Street, filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around March 2, 2011; and
WHEREAS, On March 29, 2011, this Board held a duly noticed public hearing to consider the appeal of the FEIR certification filed by Appellant; and

WHEREAS, This 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 this Board 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 this Board by reference in this motion; now, therefore, be it

MOVED, That this Board of Supervisors hereby affirms the decision of the Planning Commission in its Motion No. 18265 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 and the State CEQA Guidelines.
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

March 29, 2011 Board of Supervisors - CONTINUED
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

April 12, 2011 Board of Supervisors - APPROVED
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi and Wiener
Absent: 1 - Elsbernd

File No. 110262

I hereby certify that the foregoing Motion was APPROVED on 4/12/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board