

1 [Preparation of findings to disapprove certification of 491 Bayshore Boulevard (Home Depot)
2 FEIR]

3 **Motion directing the Clerk of the Board to prepare findings disapproving the**
4 **certification by the Planning Commission of the Final Environmental Impact Report for**
5 **the 491 Bayshore Boulevard (Home Depot) FEIR.**

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7 WHEREAS, Home Depot U.S.A., Inc. (the "Project Sponsor") is proposing to construct
8 a 140,000 square foot store with an attached 585 parking space garage at 491 Bayshore
9 Boulevard (the "Project"); and

10 WHEREAS, the Project Sponsor applied for a site permit on January 23, 2001 (City
11 Planning File No. 2001.0062ED); and

12 WHEREAS, The Planning Department for the City and County of San Francisco (the
13 "Department") determined that an Environmental Impact Report ("EIR") was required and
14 provided public notice of that determination by publication in a newspaper of general
15 circulation on March 9, 2002; and

16 WHEREAS, On March 29, 2003, the Department published the Draft Environmental
17 Impact Report ("DEIR") for the Project; and

18 WHEREAS, On July 10, 2003, the Commission held a duly noticed public hearing on
19 the DEIR, at which time opportunity for public comment was received on the DEIR, and
20 written comments were received through July 11, 2003; and

21 WHEREAS, The Department prepared responses to comments received at the public
22 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
23 of the DEIR and published a Draft Summary of Comments and Responses on June 28, 2003;
24 and

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

5 WHEREAS, On July 28, 2005, the Commission reviewed and considered the FEIR
6 and, by Motion No. 17071, found that the contents of said report and the procedures through
7 which the FEIR was prepared, publicized and reviewed complied with the provisions of the
8 California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of
9 the San Francisco Administrative Code; and

10 WHEREAS, By Motion No. 17071, the Commission found the FEIR to be adequate,
11 accurate and objective, reflected the independent judgment and analysis of the Department
12 and the Commission and that the Summary of Comments and Responses contained no
13 significant revisions to the DEIR, adopted findings relating to significant impacts associated
14 with the Project and certified the completion of the FEIR in compliance with CEQA and the
15 State CEQA Guidelines; and

16 WHEREAS, On July 28, 2005, by Motion No. 17072, the Commission approved the
17 Project; and

18 WHEREAS, On August 11, 2005, Sue Hestor, on behalf of Cole Hardware filed an
19 appeal of the FEIR with the Clerk of the Board of Supervisors; and

20 WHEREAS, The Board of Supervisors held a public hearing on September 27, 2005 to
21 review the decision by the Planning Commission to certify the FEIR; and

22 WHEREAS, the FEIR files and other Project-related Department files have been
23 available for review by this Board of Supervisors and the public, and those files are part of the
24 record before this Board of Supervisors; and

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1 WHEREAS, this Board has reviewed and considered the FEIR and heard testimony
2 and received public comment regarding the adequacy of the FEIR; now, therefore, be it
3 MOVED, That this Board directs the Clerk of the Board to prepare findings specifying
4 the basis for its disapproval of the certification of the FEIR by the Planning Commission.

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