

1 [Affirm certification of New M.H. de Young Museum EIR]  
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3 **Motion affirming the certification by the Planning Commission of the Final**  
4 **Environmental Impact Report for the New M.H. de Young Museum Development Project**  
5 **located at 75 Tea Garden Drive.**  
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7 WHEREAS, The New M.H. de Young Museum (the "Project") is proposed to be  
8 constructed at the museum's existing site at 75 Tea Garden Drive in the Music Concourse of  
9 Golden Gate Park, Lot 1 in Assessor's Block 1700, after demolition of the eight existing  
10 buildings comprising the M.H. de Young Museum and the Asian Art Museum and relocation of  
11 the Asian Art Museum to its new facility in the City's Civic Center; and,  
12

13 WHEREAS, The Corporation of the Fine Arts Museums of San Francisco submitted its  
14 application for environmental review of the proposed New de Young Museum on July 12,  
15 1999 (City Planning File No. 1999.455E); and

16 WHEREAS, The Planning Department for the City and County of San Francisco (the  
17 "Department") determined that an Environmental Impact Report ("EIR") was required and  
18 provided public notice of that determination by publication in a newspaper of general  
19 circulation on May 6, 2000; and

20 WHEREAS, On July 22, 2000, the Department published the Draft Environmental  
21 Impact Report ("DEIR") for the Project; and

22 WHEREAS, On August 24, 2000, the Commission held a duly noticed public hearing  
23 on the DEIR, at which time opportunity for public comment was received on the DEIR, and  
24 written comments were received through August 24, 2000; and  
25

1           WHEREAS, The Department prepared responses to comments received at the public  
2 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text  
3 of the DEIR and published a Draft Summary of Comments and Responses on November 22,  
4 2000; and

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

9           WHEREAS, On December 7, 2000, the Commission reviewed and considered the  
10 FEIR and, by Motion No. 16039, found that the contents of said report and the procedures  
11 through which the FEIR was prepared, publicized and reviewed complied with the provisions  
12 of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and  
13 Chapter 31 of the San Francisco Administrative Code; and

14           WHEREAS, By Motion No. 16039, the Commission found the FEIR to be adequate,  
15 accurate and objective, reflected the independent judgment and analysis of the Department  
16 and the Commission and that the Summary of Comments and Responses contained no  
17 significant revisions to the DEIR, adopted findings relating to significant impacts associated  
18 with the Project and certified the completion of the FEIR in compliance with CEQA and the  
19 State CEQA Guidelines; and

20           WHEREAS, A challenge to the FEIR and the process by which the FEIR was certified  
21 was brought and the San Francisco Superior Court issued a Writ of Mandamus on August 2,  
22 2001 requiring the Board of Supervisors to hear an appeal of the FEIR in compliance with  
23 CEQA; and

24           WHEREAS, The Board of Supervisors held a public hearing on August 20, 2001 to  
25 review the decision by the Planning Commission to certify the FEIR, and the Corporation of

1 the Fine Arts Museums (COFAM) stated that it had discovered a discrepancy in the height of  
2 the proposed Educational Tower analyzed in the FEIR, and the height actually proposed for  
3 the tower, which affected the visual and shadow impact analyses of the FEIR, and COFAM  
4 and the Planning Department asked the Board of Supervisors to remand the FEIR back to the  
5 Planning Department and Planning Commission to correct those errors; and

6 WHEREAS, At the August 20, 2001 hearing, the Board disapproved the certification of  
7 the FEIR and remanded the FEIR to the Planning Commission, and the Board's findings in  
8 Board Motion M01-127 directed the Planning Commission and Planning Department to revise  
9 the FEIR to include corrections and related environmental analysis, as may be appropriate  
10 under CEQA, on the following issues: (1) errors and discrepancies in the shadow impacts  
11 analysis relative to the height of the Tower; (2) errors and discrepancies in the visual impacts  
12 analysis relative to the height of the Tower; (3) updating and correcting the Project Description  
13 relative to the height of the tower and to other information now available regarding the  
14 proposed Project design; and (4) broadening and correcting the description and related  
15 impacts analysis of the Project environmental setting relative to existing and potentially  
16 qualified historic resources, already addressed on FEIR pages C&R.80 - C&R.82; and

17 WHEREAS, The Final EIR now includes minor text changes to reflect the updated  
18 information on the project description in the following sections: the Summary; the Project  
19 Description; and, the Visual Quality and Shadow Impact Analyses contained in Chapter III;  
20 and

21 WHEREAS, The Final EIR has also been amended to include expanded information  
22 about the cultural resources in the area and includes additional text in Chapter III A, Land  
23 Use, Plans and Zoning, to include a specific reference to the cultural resources in the area,  
24 and The Responses to Comments, pages C&R 67 – C&R 85H, include expanded information  
25 about cultural resources based upon *An Evaluation of the Potential Effect of the Proposed*

1 *New de Young Museum on the Golden Gate Park Historic District (Report)*, a report prepared  
2 by Page & Turnbull, historic architectural consultants; and

3 WHEREAS, The Report's conclusions are consistent with the conclusions in the Initial  
4 Study and the conclusions in the December 2000 Final EIR that the Project would not  
5 adversely affect the eligibility of Golden Gate Park for listing as a potential National Register  
6 Historic District, or the Japanese Tea Garden or Spreckels Temple of Music as potential  
7 National Register listings; and

8 WHEREAS, The revised sections of the Final EIR were published and made available  
9 to the Planning Commission, the Board of Supervisors and the public on November 20, 2001;  
10 and

11 WHEREAS, The revisions do not add significant new information to the December  
12 2000 FEIR or change the conclusions reached in the December 2000 FEIR; the revisions  
13 update the text to reflect changes in the Project and to provide additional information about  
14 cultural resources, and the Board of Supervisors affirms the Planning Commission's  
15 determination in Motion No. 16291 that recirculation of the document is not required because  
16 the revisions do not identify any of the following:

- 17 • A new significant environmental impact resulting from the project or from a new mitigation  
18 measure proposed to be implemented;
- 19 • A substantial increase in the severity of an environmental impact unless mitigation  
20 measures are adopted to reduce the impact;
- 21 • A feasible project alternative or mitigation measure considerably different from others  
22 previously analyzed clearly lessening the significant environmental impacts of the project,  
23 but the project proponents decline to adopt it;
- 24 • The draft EIR was so fundamentally and basically inadequate and conclusory in nature  
25 that meaningful public review and comment were precluded; and

1           WHEREAS, The revisions to the December 2000 Final EIR do not identify new or  
2 substantially more severe environmental impacts, do not identify new mitigation measures or  
3 identify any new alternatives to the Project, and the information on cultural resources expands  
4 upon information contained in the December 2000 FEIR but does not identify any significant  
5 environmental impact on cultural resources, nor does it alter the conclusions of the December  
6 2000 FEIR.

7           WHEREAS, On December 6, 2001, the Planning Commission reviewed and  
8 considered the revised Final EIR and found in its Motion No.16291 that the contents of said  
9 report and the procedures through which the Final EIR was prepared, publicized and reviewed  
10 comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31, and the revised  
11 Final EIR reflects the independent judgment and analysis of the City and County of San  
12 Francisco, that the revised Final EIR is adequate, accurate and objective, and that the  
13 Summary of Comments and Responses contains no significant revisions to the Draft  
14 Environmental Impact Report, and certified the completion of the revised Final EIR in  
15 compliance with CEQA and the CEQA Guidelines; and

16           WHEREAS, the Final EIR files and all correspondence and other documents have  
17 been made available for review by the Board of Supervisors, the Planning Commission and  
18 the public; these files are available for public review by appointment at the Planning  
19 Department offices at 1660 Mission Street, and are part of the record before the Board of  
20 Supervisors; and

21           WHEREAS, this Board has reviewed and considered the revised Final EIR and heard  
22 testimony and received public comment regarding the adequacy of the revised Final EIR;  
23 now, therefore, be it

24           MOVED, That this Board of Supervisors hereby affirms the decision of the Planning  
25 Commission in its Motion No. 16291 to certify the revised Final EIR and finds the revised Final

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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.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Motion

**File Number:** 012285

**Date Passed:** January 14, 2002

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the New M.H. de Young Museum Development Project located at 75 Tea Garden Drive.

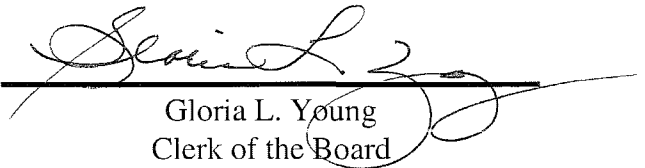
January 14, 2002 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Gonzalez

File No. 012285

**I hereby certify that the foregoing Motion was APPROVED on January 14, 2002 by the Board of Supervisors of the City and County of San Francisco.**

  
Gloria L. Young  
Clerk of the Board