

1 [Preparation of findings to disapprove certification of New M.H. de Young Museum EIR]

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3 **Motion directing the Clerk of the Board to prepare findings disapproving the**  
4 **certification of the Final Environmental Impact Report for the New M.H. de Young**  
5 **Museum Development Project located at 75 Tea Garden Drive by the Planning**  
6 **Commission.**

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8 WHEREAS, The New M.H. de Young Museum (the "Project") is proposed to be  
9 constructed at the museum's existing site at 75 Tea Garden Drive in the Music Concourse of  
10 Golden Gate Park, Lot 1 in Assessor's Block 1700, after demolition of the eight existing  
11 buildings comprising the M.H. de Young Museum and the Asian Art Museum and relocation of  
12 the Asian Art Museum to its new facility in the City's Civic Center; and,

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

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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

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

4           WHEREAS, this Board has reviewed and considered the FEIR and heard testimony  
5 and received public comment regarding the adequacy of the FEIR; now, therefore, be it

6           MOVED, That this Board directs the Clerk of the Board to prepare findings specifying  
7 the basis for its disapproval of the certification of the FEIR by the Planning Commission.

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