

1 [Disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]

2 **Motion disapproving the certification by the Planning Commission of the Final**
3 **Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project.**
4

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

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

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

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

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

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

23 WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was
24 prepared by the Department, consisting of the DEIR, any consultations and comments
25

1 received during the review process, any additional information that became available and the
2 Draft Summary of Comments and Responses, all as required by law; and

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

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

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

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

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

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

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

25

1 MOVED, That this Board of Supervisors disapproves the certification of the FEIR by
2 the Planning Commission.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25