

FILE NO. 011489

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MOTION NO. **Mol-112**

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

2
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.**

7
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 City Planning Commission ("Commission") held a
23 duly noticed public hearing on the DEIR, at which time opportunity for public comment was
24 received on the DEIR, and written comments were received through August 24, 2000; and

25 WHEREAS, The Department prepared responses to comments received at the public

1 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
2 of the DEIR and published a Draft Summary of Comments and Responses on November 22,
3 2000; and

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

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

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

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

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

25 WHEREAS, the FEIR files, and other Project-related Department files, have been

1 available for review by this Board of Supervisors and the public, and those files are part of the
2 record before this Board of Supervisors; and

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

6 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare
7 findings disapproving the certification of the Final Environmental Impact Report for the New M.
8 H. de Young Museum Development Project located at 75 Tea Garden Drive, and further
9 directs that the findings direct the Planning Commission and Planning Department to revise
10 certain portions of the FEIR as follows: (1) errors and discrepancies in the shadow impacts
11 analysis must be corrected to reflect the accurate height of the Tower; (2) errors and
12 discrepancies in the visual impacts analysis must be corrected to reflect the accurate height of
13 the Tower; (3) the Project description must be corrected to reflect the accurate height of the
14 Tower; and (4) the discussion of the historical and environmental context should be
15 broadened to address in more detail the issues regarding historic resources, particularly with
16 respect to the issues addressed on FEIR pages C&R 80 – C&R 82.



City and County of San Francisco

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1 Dr. Carlton B. Goodlett Place
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Tails Motion

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Date Passed: August 20, 2001

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

August 20, 2001 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

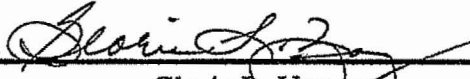
August 20, 2001 Board of Supervisors — APPROVED AS AMENDED

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin

Absent: 2 - Sandoval, Yee

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I hereby certify that the foregoing Motion
was APPROVED AS AMENDED on August
20, 2001 by the Board of Supervisors of the
City and County of San Francisco.



Gloria L. Young
Clerk of the Board