

1 [Adopting findings related to the appeal of the Planning Commission's certification of the Final
2 Environmental Impact Report for the proposed New M. H. de Young Museum Project in
Golden Gate Park.]

3 **Motion adopting findings related to the appeal of the Planning Commission's**
4 **certification of the Final Environmental Impact Report, Case File No. 199.455E**
5 **(Commission Motion No. 16039, approved December 7, 2000), for the proposed New**
6 **M. H. de Young Museum Project in Golden Gate Park, located at 75 Tea Garden Drive**
7 **(Lot 1 in Assessor's Block 1700).**

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9 The New M. H. de Young Museum Project (the "Project") is proposed to be constructed
10 at the museum's existing site at 75 Tea Garden Drive in the Music Concourse of Golden Gate
11 Park, Lot 1 in Assessor's Block 1700, after demolition of the eight existing buildings
12 comprising the M.H. de Young Museum and the Asian Art Museum, and after the relocation of
13 the Asian Art Museum to its new facility in the City's Civic Center. The Corporation of the Fine
14 Arts Museums of San Francisco submitted its application for environmental review of the
15 proposed New de Young Museum Project on July 12, 1999 (City Planning File No.
16 1999.455E).

17 The Planning Department for the City and County of San Francisco (the "Department")
18 determined that an Environmental Impact Report ("EIR") was required, and provided public
19 notice of that determination by publication in a newspaper of general circulation on May 6,
20 2000. On July 22, 2000, the Department published the Draft Environmental Impact Report
21 ("DEIR") for the Project. On August 24, 2000, the City Planning Commission ("Commission")
22 held a duly noticed public hearing on the DEIR, at which time public comment was received
23 on the DEIR, and written comments were received through August 24, 2000. The Department
24 prepared responses to comments received at the public hearing on the DEIR and submitted in
25 writing to the Department, prepared revisions to the text of the DEIR, and published a Draft

1 Summary of Comments and Responses on November 22, 2000.

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

6 On December 7, 2000, the Commission reviewed and considered the FEIR and, by
7 Motion No. 16039, found that: the contents of said report and the procedures through which
8 the FEIR was prepared, publicized and reviewed complied with the provisions of the California
9 Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San
10 Francisco Administrative Code; the FEIR was adequate, accurate and objective, and reflected
11 the independent judgment and analysis of the Department and the Commission; and the
12 Summary of Comments and Responses contained no significant revisions to the DEIR. The
13 Commission also adopted findings relating to significant impacts associated with the Project,
14 and certified the completion of the FEIR in compliance with CEQA and the State CEQA
15 Guidelines.

16 A challenge to the FEIR and the process by which the FEIR was certified was initiated.
17 The San Francisco Superior Court issued a Writ of Mandamus on August 2, 2001, requiring
18 the Board of Supervisors to hear an appeal of the FEIR, in compliance with CEQA.

19 The Board of Supervisors conducted a public hearing on August 20, 2001, to consider
20 the appeal of the Planning Commission's certification of the FEIR. Prior to the August 20
21 hearing the FEIR files, and other Project-related Department files, were available for review by
22 the Board of Supervisors and the public, and those files were part of the record before the
23 Board of Supervisors on August 20, 2001.

24 In reviewing the appeal of the certification of the Final Environmental Impact Report,
25 the Board reviewed and considered the written record before the Board, including the Final

1 Environmental Impact Report, and all of the public comments made in support of and opposed
2 to the appeal. At the August 20 hearing, and by letter to the Board dated August 17, the
3 Corporation of the Fine Arts Museum (the Project sponsor) stated that it had discovered a
4 discrepancy in the height of the tower analyzed in the FEIR and the height actually proposed
5 for the tower, which affected the visual and shadow impact analyses of the FEIR. The height
6 of the tower analyzed for shadow and visual purposes in the FEIR was based upon an
7 inaccurate computer file which scaled the tower to 144 feet rather than its actual 160 feet.

8 On August 20, 2001, the Board, after carefully balancing the competing public and
9 private interests, disapproved the certification of the Final Environmental Impact Report for the
10 New M. H. de Young Museum Development Project, and remanded the final Environmental
11 Impact Report to the Planning Commission for further action consistent with the Board's
12 findings.

13 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors finds that the Final
14 Environmental Impact Report for the proposed New M. H. de Young Museum Project is not
15 adequate, accurate and objective in all portions, that its conclusions are not correct in all
16 portions, and that the findings contained in the Planning Commission's certification are not
17 correct in all portions. The Board of Supervisors hereby directs the Planning Commission and
18 Planning Department, in specific, and consistent with the findings of the Board of Supervisors,
19 to revise the FEIR to include corrections and related environmental analysis, as may be
20 appropriate under CEQA, on the following issues: (1) errors and discrepancies in the shadow
21 impacts analysis relative to the height of the Tower; (2) errors and discrepancies in the visual
22 impacts analysis relative to the height of the Tower; (3) updating and correcting the Project
23 description relative to the height of the Tower and to other information now available regarding
24 the proposed Project design; and (4) broadening and correcting the description and related
25 impacts analysis of the Project environmental setting relative to existing and potentially

1 qualified historic resources, currently addressed on FEIR pages C&R 80 – C&R 82.

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