

1 [Affirm approval of the mitigated negative declaration for 606-624 Divisadero Street/1278  
2 Hayes Street.]

3 **Motion affirming Planning Department adoption of the mitigated negative declaration**  
4 **for 606-624 Divisadero Street/1278 Hayes Street.**  
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6 WHEREAS, On October 16, 2004, the Environmental Review Officer of the Planning  
7 Department issued a preliminary mitigated negative declaration for 606-624 Divisadero  
8 Street/1278 Hayes Street in accordance with the California Environmental Quality Act  
9 (“CEQA”), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and  
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11 WHEREAS, On November 29, 2004, having received no appeal of the preliminary  
12 mitigated negative declaration, the Environmental Review Officer of the Planning Department  
13 issued a final mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street  
14 (“mitigated negative declaration”) in accordance with Administrative Code Section 31.11(h). A  
15 copy of said document is on file with the Clerk of the Board of Supervisors in File No. 050287  
16 and is incorporated by reference herein; and

17 WHEREAS, On February 16, 2004, the Clerk of the Board received an appeal of the  
18 mitigated negative declaration from Arthur D. Levy on behalf of the Central City Progressives  
19 (“Appellant”); and

20 WHEREAS, This Board of Supervisor’s held a duly noticed public hearing on March 15,  
21 2005, to consider the mitigated negative declaration appeal filed by Appellant; and

22 WHEREAS, This Board has reviewed and considered the mitigated negative  
23 declaration and heard testimony, the appeal letter, a responses to concerns document  
24 prepared by the Planning Department and received public comment regarding the adequacy  
25 of this document; and

1           WHEREAS, The mitigated negative declaration files and all correspondence and other  
2 documents have been made available for review by this Board and the public. These files are  
3 available for public review by appointment at the Planning Department offices at 1660 Mission  
4 Street, and are part of the record before this Board by reference herein; and

5           WHEREAS, Since the Planning Department's adoption of the mitigated negative  
6 declaration, there is no new information of significance that would require a substantial  
7 revision to the negative declaration and necessitate recirculation of said document pursuant to  
8 CEQA Guideline Section 15073.5; now, therefore, be it

9           MOVED, That this Board of Supervisors finds that the contents of the mitigated  
10 negative declaration and the procedures through which it was prepared, publicized, and  
11 reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub.  
12 Res. Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal.  
13 Code Regs. Title 14, sections 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San  
14 Francisco Administrative Code ("Chapter 31"); and, be it

15           FURTHER MOVED, That based on substantial evidence in light of the whole record,  
16 this Board of Supervisors finds the mitigated negative declaration reflects its independent  
17 judgment and analysis and is adequate, accurate, and objective, and hereby affirms the  
18 decision of the Environmental Review Officer to approve the mitigated negative declaration in  
19 compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

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