

1 [Finding appeal of the mitigated negative declaration for 606-624 Divisadero Street/1278
2 Hayes Street untimely.]

3 **Motion finding the appeal of the negative declaration issued on November 29, 2004 for**
4 **606-624 Divisadero Street/1278 Hayes Street not timely filed.**

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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

10 WHEREAS, On November 29, 2004, having received no appeal of the preliminary
11 mitigated negative declaration, the Environmental Review Officer of the Planning Department
12 issued a final mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street
13 (“mitigated negative declaration”) in accordance with Administrative Code Section 31.11(h). A
14 copy of said document is on file with the Clerk of the Board of Supervisors in File No. 050287
15 and is incorporated by reference herein; and

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

19 WHEREAS, The California Public Resources Code Section 21151(c) was amended
20 effective January 1, 2003, to provide that negative declarations are appealable to the elected
21 decision-making body, but the Board of Supervisors has not yet adopted specific procedures
22 or time lines providing for appeals of such negative declarations; and

23 WHEREAS, The Board of Supervisor’s held a duly noticed public hearing on March 15,
24 2005, to consider whether the appeal filed by Appellant was timely; and

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1 WHEREAS, This Board reviewed and considered the written record before the Board
2 and all of the public comments made in support of and opposed to the question of whether the
3 appeal was timely; now, therefore, be it

4 MOVED, this Board finds this appeal to be not timely filed.
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