

1 [Finding appeal of the negative declaration for 701 Lombard Street untimely.]

2 **Motion finding the appeal of the negative declaration issued on January 15, 2003 for**
3 **701 Lombard Street not timely filed.**
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5 WHEREAS, On December 21, 2002, the Environmental Review Officer of the Planning
6 Department issued a preliminary mitigated negative declaration for 701 Lombard Street in
7 accordance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines and
8 San Francisco Administrative Code Chapter 31; and

9 WHEREAS, On January 15, 2003, having received no appeal of the preliminary
10 negative declaration, the Environmental Review Officer of the Planning Department issued a
11 final mitigated negative declaration for 701 Lombard Street (“negative declaration”) in
12 accordance with Administrative Code Section 31.11(h); and

13 WHEREAS, On November 6, 2003, the Clerk of the Board received a facsimile of an
14 appeal of the negative declaration from the Telegraph Hill Dwellers Association (“Appellant”),
15 with original correspondence received on November 10, 2003; and,

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

20 WHEREAS, The Board of Supervisor’s held a duly noticed public hearing on November
21 25, 2003, to consider whether the appeal filed by Appellant was timely; and

22 WHEREAS, This Board reviewed and considered the written record before the Board
23 and all of the public comments made in support of and opposed to the question of whether the
24 appeal was timely; now, therefore, be it
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1 MOVED, this Board finds this appeal to be not timely filed.

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