

1 [Findings for disapproval of the mitigated negative declaration for 8 Washington Street.]

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3 **Motion setting forth findings to disapprove the decision by the Planning Commission**
4 **to issue a mitigated negative declaration for the proposed project located at 8**
5 **Washington Street.**

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7 WHEREAS, On November 1, 2003, the Environmental Review Officer of the Planning
8 Department issued a preliminary mitigated negative declaration for 8 Washington Street in
9 accordance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines and
10 San Francisco Administrative Code Chapter 31; and

11 WHEREAS, On November 21, 2003, Friends of Golden Gateway appealed the
12 decision to issue a Mitigated Negative Declaration; and

13 WHEREAS, On January 29, 2004, amendments were made to the Preliminary
14 Mitigated Negative Declaration, and the Planning Commission determined that such
15 amendments did not include new undisclosed environmental impacts and did not change the
16 conclusions reached in the Preliminary Mitigated Negative Declaration; and

17 WHEREAS, on February 5, 2004, the Planning Commission held a duly noticed and
18 advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at
19 which testimony on the merits of the appeal was received; and

20 WHEREAS, after consideration of the appeal, a staff memorandum dated January 29,
21 2004, the testimony received, the correspondence, documents and materials which constitute
22 the record of proceedings (“Record”), the Planning Commission affirmed the decision to issue
23 a Mitigated Negative Declaration as amended and found, on the basis of the Record, that
24 there was no substantial evidence that the proposed project as mitigated could have a
25 significant effect on the environment; and

1 WHEREAS, On March 25, 2004, the Redevelopment Agency became aware of a
2 dispute over whether the Redevelopment Agency has land use jurisdiction over two out of
3 three parcels that comprise the proposed project analyzed in the negative declaration; and

4 WHEREAS, On March 29, 2004, the San Francisco Redevelopment Agency informed
5 the Project Sponsor that the Redevelopment Agency retains land use jurisdiction over two of
6 the three blocks that comprise the proposed project analyzed in the negative declaration; and

7 WHEREAS, The Redevelopment Agency thus must review the environmental analysis
8 as well as exercise its authority under State law and the Redevelopment Plan over the
9 proposed project; and

10 WHEREAS, The mitigated negative declaration does not provide any information
11 regarding the Redevelopment Plan, the Redevelopment Agency's authority over the proposed
12 project, or the project's consistency with the applicable Redevelopment Plan; and

13 WHEREAS, This Board of Supervisors held a duly noticed public hearing on March 30,
14 2004 to consider the mitigated negative declaration in connection with its consideration of a
15 conditional use permit for the proposed project located at 8 Washington Street; and

16 WHEREAS, This Board has reviewed and considered the mitigated negative
17 declaration, a copy of which is on file with the Clerk of the Board of Supervisors in File No.
18 and is incorporated by reference herein, the Record, the comments on the Mitigated Negative
19 Declaration, additional materials submitted to the Board, and the testimony received on the
20 mitigated negative declaration; and

21 WHEREAS, The mitigated negative declaration files, the Record, all correspondence
22 and other documents have been made available for review by this Board and the public.
23 These files are available for public review by appointment at the Planning Department offices
24 at 1660 Mission Street, and are part of the record before this Board by reference herein; now,
25 therefore, be it

1 MOVED, That this Board disapproves the mitigated negative declaration because it
2 does not contain information that portions of the project are located within the Embarcadero-
3 Lower Market (Golden Gateway) Redevelopment Area, and the negative declaration should
4 include information about the Redevelopment Area and the Redevelopment Agency's
5 jurisdiction over the proposed project; and be it further

6 MOVED, That the mitigated negative declaration should include information about the
7 proposed project and its relationship to the Redevelopment Plan and the Redevelopment
8 Area; and be it further

9 MOVED, The Planning Department should ensure that the Redevelopment Agency has
10 adequate ability to review the environmental analysis and provide information and comments
11 on the proposed project's relationship to the Redevelopment Plan and Redevelopment Area.

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