

1 [Affirm approval of the negative declaration for 329 Bay Street]

2 **Motion affirming Planning Department adoption of the final negative declaration for 329**
3 **Bay Street.**

4
5 WHEREAS, On May 29, 2004, the Environmental Review Officer of the Planning
6 Department issued a preliminary mitigated negative declaration for 329 Bay Street in
7 accordance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines and
8 San Francisco Administrative Code Chapter 31; and

9
10 WHEREAS, On June 22, 2004, having received no appeal of the preliminary negative
11 declaration, the Environmental Review Officer of the Planning Department issued a final
12 mitigated negative declaration for 329 Bay Street (“negative declaration”) in accordance with
13 Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the
14 Board of Supervisors in File No. 041641 and is incorporated by reference herein; and

15 WHEREAS, On November 29, 2004, the Clerk of the Board received an appeal of the
16 negative declaration from Arthur Chang, Katherine Petrin and Carolyn Blair (“Appellants”);
17 and

18 WHEREAS, This Board of Supervisor’s held a duly noticed public hearing on January
19 4, 2005, to consider the negative declaration appeal filed by Appellant; and

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

24 WHEREAS, The negative declaration files and all correspondence and other
25 documents have been made available for review by this Board and the public. These files are

1 available for public review by appointment at the Planning Department offices at 1660 Mission
2 Street, and are part of the record before this Board by reference herein; and

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

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

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

18
19
20
21
22
23
24
25