

1 Preparation of findings related to the timeliness of the mitigated negative declaration appeal  
2 for 606-624 Divisadero Street/1278 Hayes Street.]

3 **Motion directing the Clerk of the Board to prepare findings related to the timeliness of**  
4 **the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes**  
5 **Street.**

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7 WHEREAS, On October 16, 2004, the Environmental Review Officer of the Planning  
8 Department issued a preliminary mitigated negative declaration for 606-624 Divisadero  
9 Street/1278 Hayes Street in accordance with the California Environmental Quality Act  
10 ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

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

24 WHEREAS, The Board of Supervisor's held a duly noticed public hearing on March 15,  
25 2005, to consider whether the appeal filed by Appellant was timely. Following the conclusion

1 of the public hearing the Board rendered a decision on the timeliness of the mitigated negative  
2 declaration appeal based on the written record before the Board in File No. 050287, which is  
3 hereby declared to be a part of this motion as if set forth fully herein, as well as all of the  
4 testimony at the public hearing in support of and opposed to the hearing of the appeal; and

5 WHEREAS, In regard to said decision, this Board made certain findings specifying the  
6 basis for its decision; now therefore, be it

7 MOVED, That this Board directs the Clerk of the Board to prepare the findings  
8 specifying the basis for its decision on the timeliness of the mitigated negative declaration  
9 appeal for 606-624 Divisadero Street/1278 Hayes Street.

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