

1 [Finding appeal of the negative declaration for 329 Bay Street untimely.]

2 **Motion finding the appeal of the negative declaration issued on June 22, 2004 for 329**  
3 **Bay Street not timely filed.**

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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

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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); and

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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

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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

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24 WHEREAS, The Board of Supervisor’s held a duly noticed public hearing on January 4,  
25 2005, to consider whether the appeal filed by Appellant was timely; and

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

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

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