

1 [Reversing adoption of the negative declaration for the O'Shaughnessy Dam Discharge
2 Modification Project]

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4 **Motion reversing the Planning Commission adoption of the negative declaration for the**
5 **O'Shaughnessy Dam Discharge Modification Project.**

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7 WHEREAS, The project sponsor for the O'Shaughnessy Dam Discharge Modification
8 Project (the "Project") submitted its application for environmental review of the Project on May
9 8, 2002 (City Planning File No. 2002.0475E); and

10 WHEREAS, The San Francisco Planning Department (the "Department") issued a
11 preliminary mitigated negative declaration for this Project on February 8, 2003, and amended
12 that preliminary mitigated negative declaration on May 1, 2003 (the "negative declaration"). A
13 copy of said document is on file with the Clerk of the Board of Supervisors in File No.
14 and is incorporated by reference herein; and

15 WHEREAS, On March 10, 2003, the negative declaration was timely appealed to the
16 San Francisco Planning Commission (the "Commission"); and

17 WHEREAS, On May 1, 2003, the Commission held a duly noticed public hearing on the
18 negative declaration appeal; and

19 WHEREAS, On said date, the Commission reviewed and considered the preliminary
20 mitigated negative declaration, as amended, the appeal letters, a responses to concerns
21 document that the Department prepared, and public testimony. By Motion No.16573, the
22 Commission found that the contents of the negative declaration and the procedures through
23 which it was prepared, publicized, and reviewed complied with the provisions of the California
24 Environmental Quality Act (Cal. Pub. Res. Code sections 21000 et seq., hereinafter "CEQA"),

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1 the State CEQA Guidelines (Cal. Code Regs. Title 14, sections 15000 et seq., ("CEQA
2 Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

3 WHEREAS, By said Motion No.16573, the Commission found the negative declaration
4 reflected its independent judgment and analysis and was adequate, accurate, and objective,
5 and adopted the negative declaration in compliance with CEQA, the State CEQA Guidelines,
6 and Chapter 31. Said motion is on file with the Clerk of the Board in File No. and is
7 incorporated by reference herein; and

8 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 9, 2003, Ron
9 Good of Restore Hetch Hetchy filed an appeal of the negative declaration to the Board of
10 Supervisors; and

11 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 15, 2003,
12 John Rizzo of the Sierra Club filed an appeal of the negative declaration to the Board of
13 Supervisors; and

14 WHEREAS, The Clerk of the Board of Supervisors received these appeal letters on
15 May 9, and May 15, 2003 respectively; and

16 WHEREAS, On June 10, 2003, this Board held a duly notice public hearing to consider
17 the appeal of the negative declaration; and

18 WHEREAS, This Board has reviewed and considered the negative declaration and
19 heard testimony and received public comment regarding the adequacy of this document; and

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

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1 WHEREAS, Since the Planning Commission action on the negative declaration, there
2 is no new information of significance that would require a substantial revision to the negative
3 declaration and necessitate recirculation of said document pursuant to CEQA Guideline
4 section 15073.5; now, therefore, be it

5 MOVED, That this Board of Supervisors reverses the Planning Commission's adoption
6 of the negative declaration.

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