

1 [Affirm adoption of the mitigated negative declaration for the 3400 Cesar Chavez Street
2 Project.]

3 **Motion affirming Planning Commission adoption of the final mitigated negative**
4 **declaration for the 3400 Cesar Chavez Street Project.**

5
6 WHEREAS, On November 18, 2006, the Environmental Review Officer of the Planning
7 Department issued a preliminary mitigated negative declaration for the demolition of an
8 existing commercial building and construction of a new four-story ground-floor commercial
9 and 60-unit residential building, totaling about 115,000 gross square feet and including about
10 97 parking spaces, at 3400 Cesar Chavez Street (the "Project"), in accordance with the
11 California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco
12 Administrative Code Chapter 31; and

13 WHEREAS, On April 19, 2007, following a noticed public hearing, the Planning
14 Commission by Motion No. 17417 adopted a Final Mitigated Negative Declaration for the
15 Project (the "negative declaration") in accordance with Administrative Code Section 31.11(h).
16 A copy of said document is on file with the Clerk of the Board of Supervisors in File No.
17 070708 and is incorporated by reference herein; and,

18 WHEREAS, on or about May 21, 2007, the Clerk of the Board received an appeal
19 dated May 21, 2007, from Nick Pagoulatos, on behalf of the Mission Anti-displacement
20 Coalition (the "Appellant"); and

21 WHEREAS, This Board of Supervisor's held a duly noticed public hearing on June 26,
22 2007, to consider the negative declaration appeal filed by Appellant; and

23 WHEREAS, This Board has reviewed and considered the negative declaration and
24 heard testimony, the appeal letter, a responses to concerns document prepared the by
25

1 Planning Department and received public comment regarding the adequacy of this document;
2 and

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

7 WHEREAS, Since the Planning Commission adoption of the negative declaration,
8 there is no new information of significant that would require a substantial revision to the
9 negative declaration and necessitate recirculation of said document pursuant to CEQA
10 Guidelines Section 15073.5; now, therefore, be it

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

17 FURTHER MOVED, That based on substantial evidence in light of the whole record,
18 this Board of Supervisors finds the negative declaration reflects its independent judgment and
19 analysis and is adequate, accurate, and objective, and hereby affirms the decision of the
20 Planning Commission to adopt the negative declaration in compliance with CEQA, the State
21 CEQA Guidelines, and Chapter 31.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Motion

File Number: 070709

Date Passed: July 31, 2007

Motion affirming Planning Commission adoption of the final mitigated negative declaration for the 3400 Cesar Chavez Street Project.

June 26, 2007 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

July 17, 2007 Board of Supervisors — CONTINUED

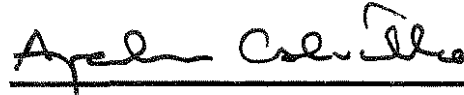
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

July 31, 2007 Board of Supervisors — APPROVED

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Jew, McGoldrick, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin

File No. 070709

I hereby certify that the foregoing Motion was APPROVED on July 31, 2007 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in cursive script, reading "Angela Calvillo". The signature is written in black ink and is positioned above a horizontal line.

Angela Calvillo
Clerk of the Board