

1 [Finding negative declaration appeal of 329 Bay St. timely.]

2 **Motion finding the appeal of the negative declaration issued on June 22, 2004, for 329**
3 **Bay Street 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

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

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

21 WHEREAS, The Board of Supervisor’s held a duly noticed public hearing on January 4,
22 2005, to consider whether the appeal filed by Appellant was timely; and

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

1 MOVED, This Board hereby finds that the appeal is timely filed.

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