

1 Preparation of findings related to the timeliness of the negative declaration appeal for 329 Bay
2 Street.]

3 **Motion directing the Clerk of the Board to prepare findings related to the timeliness of**
4 **the negative declaration appeal for 329 Bay Street.**

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6 WHEREAS, On May 29, 2004, the Environmental Review Officer of the Planning
7 Department issued a preliminary mitigated negative declaration for 329 Bay Street in
8 accordance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines and
9 San Francisco Administrative Code Chapter 31; and

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. Following the conclusion
23 of the public hearing the Board rendered a decision on the timeliness of the negative
24 declaration appeal based on the written record before the Board in File No. 041641, which is
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1 hereby declared to be a part of this motion as if set forth fully herein, as well as all of the
2 testimony at the public hearing in support of and opposed to the hearing of the appeal; and

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

5 MOVED, That this Board directs the Clerk of the Board to prepare the findings
6 specifying the basis for its decision on the timeliness of the negative declaration appeal for
7 329 Bay Street.

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