

1 [Findings for disapproval of the mitigated negative declaration for 8 Washington Street.]

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3 **Motion setting forth findings to disapprove the decision by the Planning Commission**  
4 **to issue a mitigated negative declaration for the proposed project located at 8**  
5 **Washington Street.**

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7 WHEREAS, On November 1, 2003, the Environmental Review Officer of the Planning  
8 Department issued a preliminary mitigated negative declaration for 8 Washington Street in  
9 accordance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines and  
10 San Francisco Administrative Code Chapter 31; and

11 WHEREAS, On November 21, 2003, Friends of Golden Gateway appealed the  
12 decision to issue a Mitigated Negative Declaration; and

13 WHEREAS, On January 29, 2004, amendments were made to the Preliminary  
14 Mitigated Negative Declaration, and the Planning Commission determined that such  
15 amendments did not include new undisclosed environmental impacts and did not change the  
16 conclusions reached in the Preliminary Mitigated Negative Declaration; and

17 WHEREAS, on February 5, 2004, the Planning Commission held a duly noticed and  
18 advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at  
19 which testimony on the merits of the appeal was received; and

20 WHEREAS, after consideration of the appeal, a staff memorandum dated January 29,  
21 2004, the testimony received, the correspondence, documents and materials which constitute  
22 the record of proceedings (“Record”), the Planning Commission affirmed the decision to issue  
23 a Mitigated Negative Declaration as amended and found, on the basis of the Record, that  
24 there was no substantial evidence that the proposed project as mitigated could have a  
25 significant effect on the environment; and

1           WHEREAS, On March 29, 2004, the San Francisco Redevelopment Agency informed  
2 the Project Sponsor that the Redevelopment Agency retains land use jurisdiction over two of  
3 the three blocks that comprise the proposed project analyzed in the negative declaration; and

4           WHEREAS, The Redevelopment Agency thus must review the environmental analysis  
5 as well as the application for development and has not yet done so; and

6           WHEREAS, The mitigated negative declaration does not provide any information  
7 regarding the Redevelopment Plan, the Redevelopment Agency's authority over the proposed  
8 project, or the project's consistency with the applicable Redevelopment Plan; and

9           WHEREAS, This Board of Supervisors held a duly noticed public hearing on March 30,  
10 2004 to consider the mitigated negative declaration in connection with its consideration of a  
11 conditional use permit for the proposed project located at 8 Washington Street; and

12           WHEREAS, This Board has reviewed and considered the mitigated negative  
13 declaration, a copy of which is on file with the Clerk of the Board of Supervisors in File No.  
14 and is incorporated by reference herein, the Record, the comments on the Mitigated Negative  
15 Declaration, additional materials submitted to the Board, and the testimony received on the  
16 mitigated negative declaration; and

17           WHEREAS, The mitigated negative declaration files, the Record, all correspondence  
18 and other documents have been made available for review by this Board and the public.  
19 These files are available for public review by appointment at the Planning Department offices  
20 at 1660 Mission Street, and are part of the record before this Board by reference herein; now,  
21 therefore, be it

22           MOVED, That this Board disapproves the mitigated negative declaration because it  
23 does not contain information regarding the portions of the project that are located within the  
24 Embarcadero-Lower Market (Golden Gateway) Redevelopment Area, and should include  
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1 information about the Redevelopment Area and the Redevelopment Agency's jurisdiction over  
2 the proposed project; and be it further

3           MOVED, That the mitigated negative declaration should include information about the  
4 proposed project and its possible impacts on the Redevelopment Plan and the  
5 Redevelopment Area; and be it further

6           MOVED, The Planning Department should ensure that the Redevelopment Agency has  
7 adequate ability to review the environmental analysis and provide information and comments  
8 on the proposed project's impacts on the Redevelopment Plan and Redevelopment Area.

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