

1 [Adopting the mitigated negative declaration approved for 8 Washington Street]

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3 **Motion adopting the final mitigated negative declaration issued for 8 Washington Street and**
4 **affirming the decision by the Planning Commission to issue a mitigated negative declaration**
5 **for the proposed project located at 8 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, This Board of Supervisors held a duly noticed public hearing on March 30,
2 2004 to consider the mitigated negative declaration in connection with its consideration of a
3 conditional use permit for the proposed project located at 8 Washington Street; and

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

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

13 WHEREAS, Since the Planning Commission adopted the mitigated negative
14 declaration, there is no new information of significance that would require a substantial
15 revision to the mitigated negative declaration and necessitate recirculation of said document
16 pursuant to CEQA Guideline Section 15073.5; now, therefore, be it

17 MOVED, That this Board of Supervisors finds that the contents of the negative
18 declaration and the procedures through which it was prepared, publicized, and reviewed
19 complied with the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code
20 sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code Regs.
21 Title 14, sections 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San Francisco
22 Administrative Code ("Chapter 31"); and, be it

23 FURTHER MOVED, That based on substantial evidence in light of the whole record,
24 this Board of Supervisors finds the negative declaration reflects its independent judgment and
25 analysis and is adequate, accurate, and objective, and hereby affirms the decision of the

1 Planning Commission to adopt the negative declaration in compliance with CEQA, the State
2 CEQA Guidelines, and Chapter 31; and be it further

3 MOVED, this Board hereby adopts the Mitigated Negative Declaration, and finds that
4 there is no substantial evidence that the proposed project will have a significant effect on the
5 environment.

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