

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
25

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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City and County of San Francisco

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

Tails Motion

File Number: 041644

Date Passed: January 4, 2005

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

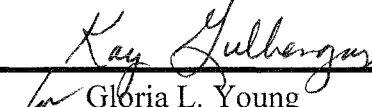
January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

Excused: 1 - Daly

File No. 041644

I hereby certify that the foregoing Motion
was APPROVED on January 4, 2005 by the
Board of Supervisors of the City and County
of San Francisco.


for Gloria L. Young
Clerk of the Board
