



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 18082

HEARING DATE: May 13, 2010

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Case No.: 2005.1085E
Project Address: 555 Fulton Street
Zoning: Hayes-Gough NCT / RTO / Fulton Street Grocery Store SUD
40-X/50-X Height and Bulk District
Block/Lot: 0794/015, 028
Project Sponsor: Trust for the Children of Henry Wong
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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2005.1085E FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 555 FULTON STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On November 21, 2005, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On March 3, 2010, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On March 3, 2010 a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On March 22, 2010, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Mr. Temple Tse, resident of 580 Fulton Street.
5. A staff memorandum, dated May 3, 2010, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum

have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

6. On May 3, 2010, amendments were made to the Preliminary Mitigated Negative Declaration, adding the text, as presented in full in Exhibit C, to clarify that such amendments do not include new, undisclosed environmental impacts and do not change the conclusions reached in the Preliminary Mitigated Negative Declaration. The changes do not require "substantial revision" of the Preliminary Mitigated Negative Declaration, and therefore recirculation of the Preliminary Mitigated Negative Declaration would not be required.
7. On May 13, 2010, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the May 13, 2010 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
9. After consideration of the points raised by appellant, both in writing and at the May 13, 2010 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
11. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on May 13, 2010.



Linda Avery
Commission Secretary

AYES: Antonini, Borden, Lee, Olague

NOES: Moore, Sugaya

ABSENT:

ADOPTED: MAY 13, 2010