

**SAN FRANCISCO
PLANNING COMMISSION
MOTION NO. 18122**

**ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY
MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2008.0395E, FOR THE
PROPOSED DEVELOPMENT ("PROJECT") AT 2130 FULTON STREET,
UNIVERSITY OF SAN FRANCISCO CENTER FOR SCIENCE AND INNOVATION
(ASSESSOR'S BLOCK 1145, LOT 003).**

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 April 2, 2008, 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 July 29, 2009, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On July 29, 2009, 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 August 18, 2009, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Kirstin Kasper Glickman of the University Terrace Association.
5. A staff memorandum, dated June 17, 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 500.
6. On June 17, 2010, amendments were made to the Preliminary Mitigated Negative Declaration, adding text as presented in Exhibit A to Draft Motion, Planning Department Response to Appeal of Preliminary Mitigated Negative Declaration. 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 June 24, 2010, the University Terrace Association, Inc. withdrew its appeal of the Preliminary Negative Declaration for the proposed project.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the June 24, 2010 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 June 24, 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 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 Planning Commission on June 24, 2010.

Linda Avery
Commission Secretary

AYES: Miguel, Olague, Antonini, Borden, Lee, Moore

NOES: None

ABSENT: Sugaya

ADOPTED: June 24, 2010