



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 17559

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Hearing Date: February 21, 2008
Case No.: **2005.0490E**
Project Address: **3500 19th Street**
Zoning: Valencia NCD (Neighborhood Commercial District)
50-X Height and Bulk District
Block/Lot: 3588/012
Project Sponsor: Fred Pollack, agent for Barrios, Inc.
18 De Boom Street, First Floor
San Francisco, CA 94107
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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2005.0490 FOR THE PROPOSED DEVELOPMENT AT 3500 19th STREET (“PROJECT”).

PREAMBLE

On May 20, 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.

On June 30, 2007, the Department determined that the Project, as proposed, could not have a significant effect on the environment.

On June 30, 2007, a notice of determination that a Preliminary Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Preliminary Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.

On July 20, 2007, two appeals on the decision to issue a Mitigated Negative Declaration were timely filed: one by Sue Hestor, representing the Mission Anti-displacement Coalition, and one by Martin Winderl, a neighbor.

On February 14, 2008 amendments were made to the Preliminary Mitigated Negative Declaration, adding the following: reference to the NC-T zoning as part of the Mission Area Plan in the parking

discussion. 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.

A staff memorandum, dated February 14, 2008, addresses and responds to all points raised by the appellant in the appeal letters. 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.

On February 21, 2008, 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.

All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the February 21, 2008 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.

After consideration of the points raised by appellant, both in writing and at the February 21, 2008 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.

MOVED, That the San Francisco City Planning Commission (“Commission”) hereby **AFFIRMS** the decision to issue a Mitigated Negative Declaration, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. 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.
3. The Planning Commission finds that Planning Department’s determination on the Mitigated Negative Declaration reflects the Department’s independent judgment and analysis.

DECISION

Based upon the Record, the submissions by the Applicant, the staff of the Department, other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the 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 Planning Commission **ADOPTED** the foregoing Motion on February 21, 2008.

Linda Avery
Commission Secretary

AYES: 4

NAYS: 1

ABSENT: W. Lee

ADOPTED: February 21, 2008