



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion: M-18185

HEARING DATE: SEPTEMBER 30, 2010

*Hearing Date:* September 30, 2010  
*Case No.:* **2007.1457E**  
*Project Address:* **1050 Valencia Street**  
*Zoning:* Valencia Street Neighborhood Commercial Transit District  
(Valencia Street NCT)  
55-X Height and Bulk District  
*Block/Lot:* 3617/008  
*Project Sponsor:* Shizuo Holdings Trust  
1001 Bridgeway, Suite 538  
Sausalito, CA 94965  
*Staff Contact:* Jeremy Battis – (415) 575-9022  
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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2007.1457E FOR THE PROPOSED DEVELOPMENT (“PROJECT”) AT 1050 VALENCIA 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 December 21, 2007, 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 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 February 10, 2010, the Department determined that the Project, as proposed, could not have a significant effect on the environment, and accordingly, on that date issued a notice of availability that a Mitigated Negative Declaration would be issued for the Project, duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration was posted in the Department offices, and distributed in accordance with law.
3. On March 11, 2010, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Clint Mitchell and Risa Teitelbaum of Liberty Hill Neighborhood Association.
4. A staff memorandum, dated September 23, 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, 1660 Mission Street, Suite 500.

5. On June 16, 2010, the Historic Preservation Commission reviewed the project in accordance with the Eastern Neighborhoods Area Plan Interim Permit Review Procedures for Historic Resources, and determined, in Motion No. 0068, that the Planning Department's CEQA analysis of potential impacts on historic resources appeared to be adequate.
6. On July 1, 2010, amendments were made to the Preliminary Mitigated Negative Declaration, adding the following text to describe revisions to the proposed project (elimination of on-site parking and loading space, setback of top floor from the building to the west). 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 July 8, 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. At the July 8, 2010, the Commission directed that additional discussion and analysis concerning the Liberty-Hill Historic District be added to the document. On September 23, additional amendments were made to the Preliminary Mitigated Negative Declaration, adding the additional discussion and analysis concerning the Liberty-Hill Historic District, as directed by the Commission. 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.
9. On September 30, 2010, the Commission held a second 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.
10. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the July 8 and September 30, 2010, City Planning Commission hearings have been adequately addressed either in the Memorandum or orally at the public hearings.
11. After consideration of the points raised by appellant, both in writing and at the July 8, and September 30, 2010, hearings, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
12. 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.
13. 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 September 30, 2010.

Linda Avery  
Commission Secretary

AYES: Alioto, Miguel, Moore, Olague, Sugaya

NOES:

ABSENT: Borden

ADOPTED: September 30, 2010