

# The Yerba Buena Neighborhood Consortium

c/o 230 Fourth St. San Francisco, CA 94107

A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

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June 11, 2018

London Breed, Board President  
and Members of the Board of Supervisors  
c/o Angela Calvillo  
Clerk of the Board of Supervisors  
City of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Subject: Appeal of Central SOMA Plan EIR Certification  
Case No. 2011.1356E  
Planning Commission Motion No. 20182

Dear President Breed and Supervisors:

The Yerba Buena Neighborhood Consortium appeals the Planning Commission's certification of the EIR for the Central SOMA Plan. The Consortium submitted comments on the Draft EIR and appeared at the Planning Commission hearing to object to certification of the EIR and Plan approval. I attach a copy of the Commission Motion No. 20182, adopted on May 10. This appeal is timely as it is filed on the first business day following Saturday June 9.

The Central SOMA EIR fails to meet the bar of an adequate, complete, good-faith effort at full disclosure mandated by the California Environmental Quality Act (CEQA). Outstanding EIR inadequacies identified by our Consortium and other commentors during the EIR process to date, *here incorporated by reference*, require that the EIR be revised and recirculated for further public and agency comment. The EIR is not adequate, accurate and objective, sufficient as an informational document, nor correct in each of its conclusions.

The EIR's inadequacies include its failure to adequately analyze site-specific and cumulative environmental impacts, or identify and analyze feasible alternatives and mitigation measures, or adequately respond to oral and written comments. The City's CEQA findings are not supported by substantial evidence.

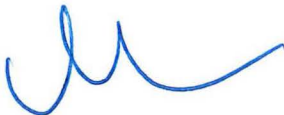
A primary defect is the EIR's failure to evaluate and mitigate the Plan's impacts on public services and recreation facilities. (See, e.g., *Mani Brothers v. City of Los Angeles* (2007) 153 Cal.App.4th 1585 and CEQA Guidelines, §§ XIV

[public services] and XV [recreation].) An EIR must study and mitigate every issue for which there is a fair argument of significant environmental impact. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099.) New residents and workers — +9300 and +36,400, respectively, according to the EIR at IV-6 — will so increase the resident and daily population of Central SOMA that they will require substantial new services. The 2015 Initial Study improperly scoped out this issue and the EIR Responses to Comments improperly deferred it. With population increases at the scale of a new city, to keep our City livable reasonably foreseeable facilities must be studied and planned for now as part of the Plan.

Another material defect is the EIR's failure to evaluate and mitigate *cumulative* impacts on public services and need for recreation facilities that will be created by the growth of resident and worker population in the entire Central City of San Francisco over the same time span, including the Central Business District and adjacent neighborhoods as well as Central SOMA — thus South of Market, Central Market, the Tenderloin, and Chinatown. Up to 100,000 more residents and 50,000 more jobs may materialize. At that scale, new public services and facilities will be needed, and there has not yet been environmental review or mitigation of this cumulative scenario in *any* San Francisco EIR to date.

Our TODCO Community Plan reasonably proposes that as mitigation for the increased resident and worker population growth, all new office developments should be conditioned to include space for recreation facilities where feasible, and/or as a priority criteria for discretionary allocation of Prop M office allocations. Further, the scope of the proposed Community Facilities District should include funding for construction and operation of no-fee recreation facilities anywhere in the South of Market area, not just Central SOMA. These mitigation measures are feasible under CEQA's rubric and must be analyzed in the EIR and then adopted. (See Pub. Resources Code, §21081.)

Please grant this appeal to ensure that the Central SOMA Plan will address and mitigate its significant environmental impacts. Thank you.



Sincerely yours,  
John Elberling, Chair

cc: **Lisa Gibson**, Environmental Review Officer  
via email [lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org)

**Susan Brandt-Hawley**, Brandt-Hawley Law Group



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 20182

HEARING DATE: MAY 10, 2018

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San Francisco,  
CA 94103-2479

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**415.558.6409**

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Information:  
**415.558.6377**

*Case No.:* 2011.1356E  
*Project Address:* Central SoMa Plan  
*Zoning:* Various  
*Block/Lot:* Various  
*Project Sponsor:* San Francisco Planning Department  
Steve Wertheim– (415) 558-6612  
[steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)  
*Staff Contact:* Elizabeth White– (415) 575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

### ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CENTRAL SOMA PLAN.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2011.1356E, the "Central SoMa Plan" (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on April 24, 2013.
  - B. The Department held a public scoping meeting on May 15, 2013 in order to solicit public comment on the scope of the Project's environmental review.
  - C. On December 14, 2016, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
  - D. On December 14, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

- E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on December 14, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on January 26, 2017 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on February 13, 2017.
3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period, prepared revisions to the text of the DEIR in responses to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in the Responses to Comments document, published on March 28, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document all as required by law.
5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
6. On May 10, 2018, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
7. The project sponsor has indicated that the presently preferred alternative is the Central SoMa Plan.
8. The Planning Commission hereby does find that the FEIR concerning File No. 2011.1356E: Central SoMa Plan reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to Comments document and the errata dated April 5, 2018 and May 9, 2018 contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the Environmental Impact Report:
  - A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:

- a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.
- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.

- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
  - e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.

- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 10, 2018.



Jonas P. Iorin  
Commission Secretary

AYES: Moore, Koppel, Johnson, Richards, Hillis, Melgar, and Fong

NOES: None

ABSENT: None

ADOPTED: May 10, 2018

## The Yerba Buena Neighborhood Consortium

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A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

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Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Department of City Planning  
1650 Mission Street  
San Francisco, CA 94103

February 13, 2017

RE: Central SOMA Plan DEIR: 2011.1356E

This DEIR is legally inadequate per CEQA for the following reasons:

1. Not only does it fail to evaluate the CSP's project-specific and cumulative South of Market-wide impacts of 10's of thousands of new residents and workers on Public Services, as detailed in our Comment of January 17, it thereby also fails to identify those impacts as cumulatively Significant and then propose Mitigation Measures as required by CEQA.

Any competent analysis will confirm that new SOMA resident households and workers will add demand for hundreds if not thousands of new childcare slots, and that in fact the existing supply of childcare facilities is already known to be insufficient for the current SOMA population. As a Mitigation Measure our TODCO Community Plan proposes that space for new childcare facilities with required outdoor area be required to be included in all new office developments on sites bigger than one acre.

A competent analysis will confirm that existing public recreation facilities are insufficient for the cumulative needs of current plus future SOMA households, especially indoor facilities. There is now just one no-charge public indoor basketball facility, no public swimming pool, and no other public recreation facilities of other common types. Many do exist in private clubs in SOMA, but these are expensive and so not realistically available to all current and future households. There is also insufficient City funds set aside to build such facilities in the future. As a Mitigation Measures our TODCO Community Plan proposes that space for such new public recreation facilities be required to be included in all new office developments where feasible, and/or as a priority criteria for discretionary allocation of Prop M office allocations, and that the proposed Community Facilities District authorized scope include funding of construction and operation of no-fee public recreation facilities anywhere in South of Market, not just Central SOMA.



What stands out from the CSP and its DEIR is that the Department claims it wants a family-friendly San Francisco, but that it doesn't really mean it – won't do what it takes to make that happen in real life. Actions – or lack thereof – speak for themselves, far louder than words.

John Elberling  
Chair

Cc: Susan Brandt-Hawley



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JOHN H. ELBERLING	90-7162 3222	41513	1709
	DATE	6/11/18	
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	Five Hundred, Ninety Seven	DOLLARS	 Security Features Included. Details on Back.
<b>CHASE</b> 	JPMorgan Chase Bank, N.A. www.Chase.com		
<b>MR APPEAL</b>		<u>ll</u>	MP