

1 [Findings Reversing the Community Plan Evaluation - 2918-2924 Mission Street]

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3 **Motion adopting findings to reverse the determination by the Planning Department that**
4 **a proposed project at 2918-2924 Mission Street requires no further environmental**
5 **review under a Community Plan Evaluation.**

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7 WHEREAS, On August 30, 2017, the Planning Department issued a Community Plan
8 Evaluation (“environmental determination”), pursuant to the California Environmental Quality
9 Act (CEQA), the CEQA Guidelines, 14 California Code of Regulations, Sections 15000 et
10 seq., and Chapter 31 of the San Francisco Administrative Code, finding that the proposed
11 project at 2918-2924 Mission Street (“Project”) is consistent with the development density
12 established by zoning, community plan, and general plan policies in the Eastern
13 Neighborhoods Rezoning and Area Plans for the project site, for which a Program
14 Environmental Impact Report (the “PEIR”) was certified; and

15 WHEREAS, The proposed project consists of merging three lots into a single 11,653-
16 square foot (sf) lot, demolishing the existing building, and constructing an eight-story, 85-foot-
17 tall, approximately 67,300 sf building containing 75 dwelling units (18 studio, 27 one-bedroom,
18 and 30 two-bedroom units) with ground floor retail, providing a 44-foot-long white loading zone
19 in front of the lobby and removing the existing parking lot curb cut, providing a bicycle storage
20 room with 76 class 1 bicycle spaces accessible through the lobby area and from Osage Alley,
21 providing six street trees and seven bicycle racks (14 class 2 bicycle parking spaces) on
22 Mission Street, and providing open space in the form of common terraces on the second floor
23 and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf
24 of private decks; and

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1 WHEREAS, On November 30, 2017, the Planning Commission approved a conditional
2 use authorization for the proposed Project, by Motion No. 20066; and

3 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
4 January 2, 2018, J. Scott Weaver, West Bay Law, on behalf of Calle 24 Latino Cultural District
5 Council ("Appellant"), appealed the environmental determination; and

6 WHEREAS, The Environmental Review Officer, by memorandum to the Clerk of the
7 Board dated January 4, 2018, determined that the appeal had been timely filed; and

8 WHEREAS, Shortly before the February 13, 2018 hearing, the Planning Department
9 received new information indicating the potential for the existing building on the project site at
10 2918-2922 Mission Street to be considered a historic resource for its association with the
11 Mission Coalition of Organizations during the late 1960s and early 1970s; and

12 WHEREAS, This information was not considered in the initial study for the Project, and
13 the Planning Department determined that additional research was required to assess whether
14 the proposed Project would result in a significant impact to a historic resource that is peculiar
15 to the project or its site and that was not disclosed as a significant effect in the Eastern
16 Neighborhoods PEIR, and requested a continuance of the Board of Supervisors hearing on
17 the appeal, with the concurrence of the Project Sponsor and Appellant; and

18 WHEREAS, On February 13, 2018, the Board of Supervisors opened a hearing on the
19 appeal of the environmental determination and received no public comment on the proposed
20 continuance, and voted to continue the hearing to June 19, 2018, to allow additional time for
21 the Department to prepare an analysis of the potential effects of the Project on historic
22 resources; and

23 WHEREAS, The Planning Department prepared a Historic Resource Evaluation and
24 found that, although the 2918-2922 Mission Street building is significant under the California
25 Register of Historical Resources ("California Register") Criterion 1 for events, it lacks sufficient

1 integrity to convey its identified historic significance under Criterion 1 and, therefore, is not
2 eligible for listing in the California Register, and determined that the building is not a historic
3 resource as defined under CEQA Guidelines, Section 15064.5; and

4 WHEREAS, This Board held a duly noticed public hearing on the appeal of the
5 environmental determination on June 19, 2018; and

6 WHEREAS, Under Public Resources Code, Section 21083.3 and CEQA Guidelines,
7 Section 15183, this Board evaluates the adequacy of the environmental determination by
8 examining environmental effects that are peculiar to the project, were not analyzed as
9 significant effects in the Eastern Neighborhoods PEIR, and are potentially significant on-site
10 or off-site impacts; and

11 WHEREAS, This Board heard extensive testimony on the effect of the Project on the
12 neighboring San Francisco Unified School District school, the Zaida T. Rodriguez Early
13 Education School (the "School"), including shadow impacts on the outdoor play areas, and
14 construction impacts such as air quality and noise impacts; and

15 WHEREAS, The Planning Department conducts a detailed shadow analysis for public
16 parks under the jurisdiction of the San Francisco Recreation and Parks Department, but does
17 not always provide the same detailed review of shadow impacts on open spaces that are not
18 publicly accessible, such as some school yards, as they are only accessible to the students,
19 faculty, and staff associated with the school, although the Planning Department has
20 conducted review of shadow impacts on some outdoor play areas on school sites; and

21 WHEREAS, Over 40 public schools citywide are currently enrolled in the San Francisco
22 Shared Schoolyard Project, which is a partnership between the City and the San Francisco
23 Unified School District that allows public access to schoolyards during weekends and on
24 school holidays, and

1 WHEREAS, Schoolyards that are enrolled in the Shared Schoolyard Project are
2 considered to be publicly accessible, and participating schoolyards are included as public
3 open spaces within the shadow analysis for CEQA review in San Francisco, but because the
4 School is not a participating schoolyard, the Planning Department did not conduct the shadow
5 analysis for the School and did not evaluate whether shadows on the School would be
6 considered a potentially significant on-site or offsite environmental impact peculiar to the
7 project; and

8 WHEREAS, The Project Sponsor conducted some shadow analysis to evaluate the
9 potential shadow impacts on the School’s two outdoor play areas, and found that the Project
10 would cast shadow on the School’s Bartlett Street play area for durations ranging from 143
11 minutes to 273 minutes each morning throughout the year, but did not conduct a more
12 detailed site-specific analysis to assess conditions on this play area; and

13 WHEREAS, The website for the San Francisco Shared Schoolyard Project provides
14 that the Shared Schoolyard Project is “working to enroll all of San Francisco’s public schools
15 so that every child and family in San Francisco can have a clean and safe place to play and
16 gather on the weekends,” so that the School could become enrolled as a Shared Schoolyard
17 Project at some time in the near future; and

18 WHEREAS, This Board and the public expressed strong concerns about the potential
19 detrimental health impacts on very young schoolchildren in need of sunlight on their play
20 areas during the school day; and

21 WHEREAS, Even if the School is not part of the Shared Schoolyard Project currently or
22 does not become part of the Project in the near future, the shadow impacts on a public school
23 site are important impacts to be considered as part of the CEQA analysis; and

24 WHEREAS, In reviewing the appeal of the environmental determination, this Board
25 reviewed and considered the environmental determination, the appeal letter, the responses to

1 the appeal documents that the Planning Department prepared, the other written and public
2 records before the Board of Supervisors and all of the public testimony made in support of
3 and opposed to the appeal; and

4 WHEREAS, Following the conclusion of the public hearing, in Motion M18-091, the
5 Board of Supervisors unanimously reversed the determination that the project did not require
6 further environmental review, subject to the adoption of written findings of the Board in
7 support of such determination based on the record before the Board of Supervisors as well as
8 all of the testimony at the public hearing in support of and opposed to the appeal; and

9 WHEREAS, The written and public record and oral testimony in support of and
10 opposed to the appeal and the deliberation at the public hearing before the Board of
11 Supervisors related to the appeal of the environmental determination is in the Clerk of the
12 Board of Supervisors File No. 180019 and is incorporated in this motion as though set forth in
13 its entirety; now, therefore, be it

14 MOVED, That this Board reverses the determination by the Planning Department that
15 the Project does not require additional environmental review because there are environmental
16 effects that are peculiar to the Project and were not analyzed as significant effects in the
17 Eastern Neighborhoods PEIR, and these effects are potentially significant off-site impacts;
18 and, be it

19 FURTHER MOVED, That this Board finds the environmental analysis of the Project to
20 be adequate in all respects except for the shadow analysis on the School's outdoor play areas
21 and directs the Planning Department to conduct further, more detailed, shadow analysis on
22 these play areas to accurately assess the shadow impacts on these areas.