

File No. 201019

Committee Item No. _____

Board Item No. 85

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 15, 2020

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: September 11, 2020

Prepared by: _____

Date: _____

1 [Findings Reversing the Community Plan Evaluation - 2300 Harrison Street]

2
3 **Motion adopting findings to reverse the determination by the Planning Department that**
4 **a proposed project at 2300 Harrison Street is exempt from further environmental review**
5 **under a Community Plan Evaluation.**

6
7 WHEREAS, On April 30, 2019, the Planning Department issued a Community Plan
8 Evaluation and an Initial Study (hereinafter, the “CPE” or “environmental determination”),
9 pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. sections 15000 et seq., and
10 Chapter 31 of the San Francisco Administrative Code, finding that the proposed project at
11 2300 Harrison Street (“Project”) is consistent with the development density established by
12 zoning, community plan, and general plan policies in the Eastern Neighborhoods Rezoning
13 and Area Plans (the “Area Plan”) for the project site, for which a Programmatic Environmental
14 Impact Report (the “PEIR”) was certified; at that time, the project site was not located within
15 the city’s Air Pollutant Exposure Zone (APEZ); and

16 WHEREAS, The approximately 38,676-square-foot project site is located on the west
17 side of Harrison Street, on the southwest corner of the intersection of Harrison and 19th
18 Streets in the Mission neighborhood; the project site is bounded by 19th Street to the north,
19 Harrison Street to the east, Mistral Street to the south, and Treat Avenue to the west; the site
20 is currently occupied by a 42-foot-tall, three-story, 68,538-square-foot office building,
21 constructed in 1913, and a 14,000-square-foot surface parking lot with 61 parking spaces; the
22 existing office building has a 1,300 square foot roof deck; there are currently five additional
23 on-site parking spaces along the Harrison Street exterior of the existing office building, for a
24 total of 66 off-street vehicle parking spaces; the existing office building provides a bicycle
25 room with 48 Class 1 bicycle spaces, and two showers and a locker room with existing bicycle

1 racks for 27 bicycles; there are nine Class 2 bicycle parking spaces in the existing parking lot.
2 Adjacent to the project site, there are an additional 14 Class 2: bicycle parking spaces on the
3 east side of Treat Avenue; and

4 WHEREAS, The proposed Project includes a horizontal and vertical addition to the
5 existing building that would replace the surface parking lot with new construction of a 75-foot-
6 tall (up to 85-foot-tall for the elevator penthouse), six-story-over-basement, 77,365-square-foot
7 mixed-use building; the new building would be connected to the existing building at the
8 second and third levels to expand the existing office use on those floors; the proposed
9 addition would consist of 12,331 square feet of below-grade parking; a new bike room with
10 lockers and two showers for office employees at the site; 1,117 square feet of arts activity or
11 retail uses; 2,483 square feet of retail and 5,183 square feet of parking at the ground floor;
12 27,017 square feet of office use on floors 2 and 3; and 29,234 square feet of residential use
13 on floors 4, 5, and 6; and

14 WHEREAS, The Project would include 24 dwelling units consisting of 14 one-bedroom
15 and 10 two-bedroom units; and

16 WHEREAS, On December 12, 2019, the Planning Commission adopted the
17 environmental determination and approved the large project authorization (“LPA”) for the
18 Project (Planning Commission Motion 20595), which constituted the approval action under
19 Chapter 31 of the Administrative Code; and

20 WHEREAS, By letter to the Clerk of the Board, dated January 13, 2020, Carlos
21 Bocanegra (“Appellant”), appealed the environmental determination; and

22 WHEREAS, The Planning Department’s Environmental Review Officer, by
23 memorandum to the Clerk of the Board dated January 17, 2020, determined that the appeal
24 had been timely filed; and

25

1 WHEREAS, On February 7, 2020, the Department of Public Health updated the City's
2 APEZ, and as a result, the project site is now within the APEZ, which was not the case in
3 2019 when the CPE was issued. Based on this information, the Planning Department
4 determined that the Eastern Neighborhoods Program EIR construction air quality mitigation
5 measure is applicable to the project, rescinded the CPE, and revised the construction air
6 quality analysis to include the construction air quality mitigation measure; the CPE was
7 reissued on February 19, 2020, initiating a new appeal period; and

8 WHEREAS, The appellant refiled their appeal on March 20, 2020, and the
9 Environmental Review Officer, by memorandum to the Clerk of the Board dated July 27, 2020,
10 determined that the refiled appeal had been timely filed; and

11 WHEREAS, On August 18, 2020, this Board held a duly noticed public hearing to
12 consider the appeal of the environmental determination filed by Appellant; and

13 WHEREAS, Under Public Resources Code, Section 21083.3 and CEQA Guidelines,
14 Section 15183, this Board evaluates the adequacy of the environmental determination by
15 examining the environmental effects that are peculiar to the project; effects that were not
16 analyzed as significant effects in the Eastern Neighborhoods PEIR; effects that are potentially
17 significant off-site impacts; and effects that were identified as significant effects in the EN
18 PEIR which are determined to be more severe than discussed in the EN PEIR as a result of
19 substantial new information which was not known at the time the EIR was certified.

20 WHEREAS, The CPE must be supported by substantial evidence in the record, and in
21 CEQA, substantial evidence includes facts, reasonable assumptions predicated upon facts
22 and expert opinion supported by facts; and

23 WHEREAS, In reviewing the appeal of the environmental determination, this Board
24 reviewed and considered the environmental determination, the appeal letter, the responses to
25 the appeal documents that the Planning Department prepared, the other written records

1 before the Board of Supervisors and all of the public testimony made in support of and
2 opposed to the appeal; and

3 WHEREAS, The Board heard extensive testimony regarding the amount of office
4 space that has been approved in the Eastern Neighborhoods since certification of the Eastern
5 Neighborhoods PEIR; and

6 WHEREAS, As noted in the PEIR, because office space is generally considered a
7 higher-value land use, growth in the amount of office space, as well as other higher-value land
8 uses, tends to preclude growth in the amount of other types of uses such as Production,
9 Distribution and Repair (“PDR”) uses, and

10 WHEREAS, The Mission Action Plan 2020 (“MAP 2020”), which discusses negative
11 impacts and identifies potential solutions for the residents, arts organizations, non-profits and
12 businesses being displaced by rapid changes in the Mission neighborhood, found that since
13 2011, the Mission has lost approximately 481,988 square feet of Production, Distribution and
14 Repair (“PDR”) space, and gained approximately 235,840 square feet of office space; and

15 WHEREAS, Significant and unavoidable cumulative impacts were identified in the
16 Eastern Neighborhoods PEIR for, among other topics, land use impacts due to the potential
17 for the Eastern Neighborhoods rezoning to result in a loss of space for PDR uses, and
18 transportation and circulation, based on the projected increase in the amount of residential
19 and non-residential uses; and

20 WHEREAS, The CPE acknowledges that because the Project would preclude the
21 development of PDR uses on the site, the Project would indirectly contribute to the significant
22 cumulative land use impact related to loss of PDR, and concludes that the impact from the
23 preclusion of PDR on the site would not be more severe than identified in the PEIR; and

24 WHEREAS, The CPE does not discuss and does not include any evidence about
25 whether the increase in the amount of office space from the project, as well as the cumulative

1 increase in office space in the Eastern Neighborhoods since publication of the EN PEIR and
2 as identified in MAP 2020, together with the decrease in the amount of PDR space overall,
3 and the preclusion of PDR space on the site would contribute to a more severe cumulative
4 impact on land use than that identified in the EN PEIR; and

5 WHEREAS, The CPE does not specifically discuss and does not include any evidence
6 whether the increase in the amount of office space from the Project, as well as the cumulative
7 increase in office and decrease in PDR space in the Mission area overall, would contribute to
8 more severe transportation and circulation impacts, and

9 WHEREAS, Following the conclusion of the public hearing, in Motion No. M20-109
10 (File No. 200811), the Board of Supervisors unanimously reversed the determination that the
11 Project did not require further environmental review subject to the adoption of written findings
12 of the Board in support of such determination based on the written record before the Board of
13 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
14 the appeal; and

15 WHEREAS, The written record and oral testimony in support of and opposed to the
16 appeal and deliberation of the oral and written testimony at the public hearing before the
17 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
18 the environmental determination is in the Clerk of the Board of Supervisors File No. 200809
19 and is incorporated in this motion as though set forth in its entirety; now therefore be it

20 MOVED, That this Board of Supervisors reverses the determination by the Planning
21 Department that the Project does not require additional environmental review, because the
22 previously identified significant impacts to land use may be more severe as a result of the
23 substantial increase in the amount of office space in the Eastern Neighborhoods, which
24 information was not known at the time the Eastern Neighborhoods PEIR was certified; and be
25 it

1 FURTHER MOVED, That this Board directs the Planning Department to conduct
2 additional, more detailed, analysis regarding the potential impacts from the increase in the
3 amount of office space and the decrease in the amount of PDR space since certification of the
4 PEIR to assess whether the impacts of these changes on land use and transportation and
5 circulation are more severe than previously identified in the Eastern Neighborhoods PEIR.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: