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

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

WHEREAS, The proposed project consists of merging three lots into a single 11,653-square foot (sf) lot, demolishing the existing building, and constructing an eight-story, 85-foot-tall, approximately 67,300 sf building containing 75 dwelling units (18 studio, 27 one-bedroom, and 30 two-bedroom units) with ground floor retail, providing a 44-foot-long white loading zone in front of the lobby and removing the existing parking lot curb cut, providing a bicycle storage room with 76 class 1 bicycle spaces accessible through the lobby area and from Osage Alley, providing six street trees and seven bicycle racks (14 class 2 bicycle parking spaces) on Mission Street, and providing open space in the form of common terraces on the second floor and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf of private decks; and
WHEREAS, On November 30, 2017, the Planning Commission approved a conditional use authorization for the proposed Project, by Motion No. 20066; and

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

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

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

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

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

WHEREAS, The Planning Department prepared a Historic Resource Evaluation and found that, although the 2918-2922 Mission Street building is significant under the California Register of Historical Resources ("California Register") Criterion 1 for events, it lacks sufficient...
integrity to convey its identified historic significance under Criterion 1 and, therefore, is not eligible for listing in the California Register, and determined that the building is not a historic resource as defined under CEQA Guidelines, Section 15064.5; and

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

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

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

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

WHEREAS, Over 40 public schools citywide are currently enrolled in the San Francisco Shared Schoolyard Project, which is a partnership between the City and the San Francisco Unified School District that allows public access to schoolyards during weekends and on school holidays, and
WHEREAS, Schoolyards that are enrolled in the Shared Schoolyard Project are considered to be publicly accessible, and participating schoolyards are included as public open spaces within the shadow analysis for CEQA review in San Francisco, but because the School is not a participating schoolyard, the Planning Department did not conduct the shadow analysis for the School and did not evaluate whether shadows on the School would be considered a potentially significant on-site or offsite environmental impact peculiar to the project; and

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

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

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

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

WHEREAS, In reviewing the appeal of the environmental determination, this Board reviewed and considered the environmental determination, the appeal letter, the responses to
the appeal documents that the Planning Department prepared, the other written and public records before the Board of Supervisors and all of the public testimony made in support of and opposed to the appeal; and

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

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

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

FURTHER MOVED, That this Board finds the environmental analysis of the Project to be adequate in all respects except for the shadow analysis on the School's outdoor play areas and directs the Planning Department to conduct further, more detailed, shadow analysis on these play areas to accurately assess the shadow impacts on these areas.
Motion adopting findings to reverse the determination by the Planning Department that a proposed project at 2918-2924 Mission Street requires no further environmental review under a Community Plan Evaluation.

July 10, 2018 Board of Supervisors - APPROVED
Ayes: 10 - Cohen, Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Stefani, Tang and Yee
Absent: 1 - Safai

I hereby certify that the foregoing Motion was APPROVED on 7/10/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board