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

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

WHEREAS, On April 30, 2019, the Planning Department issued a Community Plan Evaluation and an Initial Study (hereinafter, the “CPE” or “environmental determination”), pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. sections 15000 et seq., and Chapter 31 of the San Francisco Administrative Code, finding that the proposed project at 2300 Harrison 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 (the “Area Plan”) for the project site, for which a Programmatic Environmental Impact Report (the “PEIR”) was certified; at that time, the project site was not located within the city’s Air Pollutant Exposure Zone (APEZ); and

WHEREAS, The approximately 38,676-square-foot project site is located on the west side of Harrison Street, on the southwest corner of the intersection of Harrison and 19th Streets in the Mission neighborhood; the project site is bounded by 19th Street to the north, Harrison Street to the east, Mistral Street to the south, and Treat Avenue to the west; the site is currently occupied by a 42-foot-tall, three-story, 68,538-square-foot office building, constructed in 1913, and a 14,000-square-foot surface parking lot with 61 parking spaces; the existing office building has a 1,300 square foot roof deck; there are currently five additional on-site parking spaces along the Harrison Street exterior of the existing office building, for a total of 66 off-street vehicle parking spaces; the existing office building provides a bicycle room with 48 Class 1 bicycle spaces, and two showers and a locker room with existing bicycle locks.
racks for 27 bicycles; there are nine Class 2 bicycle parking spaces in the existing parking lot. Adjacent to the project site, there are an additional 14 Class 2: bicycle parking spaces on the east side of Treat Avenue; and

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

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

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

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

WHEREAS, The Planning Department’s Environmental Review Officer, by memorandum to the Clerk of the Board dated January 17, 2020, determined that the appeal had been timely filed; and
WHEREAS, On February 7, 2020, the Department of Public Health updated the City’s APEZ, and as a result, the project site is now within the APEZ, which was not the case in 2019 when the CPE was issued. Based on this information, the Planning Department determined that the Eastern Neighborhoods Program EIR construction air quality mitigation measure is applicable to the project, rescinded the CPE, and revised the construction air quality analysis to include the construction air quality mitigation measure; the CPE was reissued on February 19, 2020, initiating a new appeal period; and

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

WHEREAS, On August 18, 2020, this Board held a duly noticed public hearing to consider the appeal of the environmental determination filed by Appellant; 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 the environmental effects that are peculiar to the project; effects that were not analyzed as significant effects in the Eastern Neighborhoods PEIR; effects that are potentially significant off-site impacts; and effects that were identified as significant effects in the EN PEIR which are determined to be more severe than discussed in the EN PEIR as a result of substantial new information which was not known at the time the EIR was certified.

WHEREAS, The CPE must be supported by substantial evidence in the record, and in CEQA, substantial evidence includes facts, reasonable assumptions predicated upon facts and expert opinion supported by facts; 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 records
WHEREAS, The Board heard extensive testimony regarding the amount of office space that has been approved in the Eastern Neighborhoods since certification of the Eastern Neighborhoods PEIR; and

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

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

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

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

WHEREAS, The CPE does not discuss and does not include any evidence about whether the increase in the amount of office space from the project, as well as the cumulative
increase in office space in the Eastern Neighborhoods since publication of the EN PEIR and
as identified in MAP 2020, together with the decrease in the amount of PDR space overall,
and the preclusion of PDR space on the site would contribute to a more severe cumulative
impact on land use than that identified in the EN PEIR; and

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

WHEREAS, Following the conclusion of the public hearing, in Motion No. M20-109
(File No. 200811), 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 written 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 record and oral testimony in support of and opposed to the
appeal and deliberation of the oral and written testimony at the public hearing before the
Board of Supervisors by all parties and the public in support of and opposed to the appeal of
the environmental determination is in the Clerk of the Board of Supervisors File No. 200809
and is incorporated in this motion as though set forth in its entirety; now therefore be it

MOVED, That this Board of Supervisors reverses the determination by the Planning
Department that the Project does not require additional environmental review, because the
previously identified significant impacts to land use may be more severe as a result of the
substantial increase in the amount of office space in the Eastern Neighborhoods, which
information was not known at the time the Eastern Neighborhoods PEIR was certified; and be
it
FURTHER MOVED, That this Board directs the Planning Department to conduct additional, more detailed, analysis regarding the potential impacts from the increase in the amount of office space and the decrease in the amount of PDR space since certification of the PEIR to assess whether the impacts of these changes on land use and transportation and circulation are more severe than previously identified in the Eastern Neighborhoods PEIR.
File Number: 201019  Date Passed: September 15, 2020

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

September 15, 2020 Board of Supervisors - APPROVED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 201019

I hereby certify that the foregoing Motion was APPROVED on 9/15/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board