



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** April 7, 2011  
**TO:** San Francisco Planning Commission  
**FROM:** Don Lewis, Planning Department, MEA  
**RE:** Appeal of Preliminary Mitigated Negative Declaration for the 17<sup>th</sup> and Folsom Park, Assessor's Block 3571, Lot 18, Planning Department Case No. 2009.1163E

**HEARING DATE:** April 14, 2011

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

An appeal has been received concerning a preliminary mitigated negative declaration for the following project:

**Case No. 2009.1163 – 17<sup>th</sup> and Folsom Park:** The project site is located on the north side of 17<sup>th</sup> Street between Folsom and Shotwell Streets in the Mission neighborhood. The proposed project would subdivide the 60,925-square-foot parcel, which is currently a 219-space surface parking lot, and construct a 34,300-square-foot neighborhood park that would front on 17<sup>th</sup>, Folsom, and Shotwell Streets. No structures, including restrooms, are proposed. Specific design features of the park would be defined through a community planning effort. The existing parking lot is currently owned by the San Francisco Public Utilities Commission (PUC) and is leased out to the University of California, San Francisco. Ownership would transfer from the PUC and the park would be owned and operated by the San Francisco Recreation and Park Department (RPD). The remaining 26,625 square feet of the lot would remain in its current use. The project site is located in the Mission Plan Area.

This matter is calendared for public hearing on April 14, 2011. Enclosed are the appeal letter, the staff response, the mitigated negative declaration, and the draft motion.

For projects in plan areas, such as this, the proposal is reviewed for significant impacts that are not addressed in the Programmatic EIR (PEIR). Topics for which the PEIR identified a significant program-level impact are addressed in the Community Plan Exemption (CPE) Certification of Determination while project impacts for all other topics are discussed in the CPE Checklist. If the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the PEIR, then the impact would be addressed in a separate Focused Initial Study/Preliminary Mitigated Negative Declaration (IS/PMND) or EIR.

For this project, the applicable PEIR for the plan area is the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods EIR), and three documents were issued: a CPE Checklist, a CPE Certificate of Determination, and a Focused IS/PMND. Because the project would have a significant peculiar impact related to hazards and hazardous materials, the Planning Department prepared a Focused IS/PMND.

Please note that the Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report can be located on our website at <http://www.sf-planning.org/index.aspx?page=1893> or at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2004.0160E.

If you have any questions related to this project's environmental evaluation, please contact me at (415) 575-9095 or [don.lewis@sfgov.org](mailto:don.lewis@sfgov.org).

Thank you.



# SAN FRANCISCO PLANNING DEPARTMENT

## Appeal of Preliminary Mitigated Negative Declaration Executive Summary

HEARING DATE: APRIL 14, 2011

*Date:* April 7, 2011  
*Case No.:* 2009.1163E  
*Project Title:* 17<sup>th</sup> Street and Folsom Street Park  
*Zoning:* Public Use District  
50-X Height and Bulk District  
*Block/Lot:* 3571/018  
*Project Sponsor:* Dawn Kamalanathan, San Francisco Recreation and Park Department  
*Staff Contact:* Don Lewis – (415) 575-9095, [don.lewis@sfgov.org](mailto:don.lewis@sfgov.org)

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROPOSED COMMISSION ACTION:

Consider whether to uphold staff's decision to prepare a Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA), or whether to overturn that decision and require the preparation of an Environmental Impact Report due to specified potential significant environmental effects of the proposed project.

### PROJECT DESCRIPTION:

The project site is located on the north side of 17<sup>th</sup> Street between Folsom and Shotwell Streets in the Mission neighborhood. The proposed project would subdivide the 60,925-square-foot parcel, which is currently a 219-space surface parking lot, and construct a 34,300-square-foot neighborhood park that would front on 17<sup>th</sup>, Folsom, and Shotwell Streets. No structures, including restrooms, are proposed. Specific design features of the park would be defined through a community planning effort. The existing parking lot is currently owned by the San Francisco Public Utilities Commission (PUC) and is leased out to the University of California, San Francisco. Ownership would transfer from the PUC and the park would be owned and operated by the San Francisco Recreation and Park Department (RPD). The remaining 26,625 square feet of the lot would remain in its current use. The project site is located in the Mission Plan Area.

### ISSUES:

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on January 26, 2011, and received an appeal letter from Sean Dowdall on February 14, 2011, appealing the determination to issue a MND. The appeal letter states that the PMND fails to adequately address the following issues:

1. Use of an Exemption
2. Inadequate Notification
3. Parking
4. Public Services

5. Public Safety
6. Cumulative Effects
7. Other Areas of Concerns

No other comments were received. All of the issues raised in the Appeal Letter have been addressed in the attached materials, which include:

1. A draft Motion upholding the decision to issue a MND;
2. Exhibit A to draft Motion, Planning Department Response to the Appeal Letter;
3. Appeal Letter;
4. Notification List;
5. PMND and Initial Study;
6. Community Plan Exemption (CPE) Certificate of Determination; and
7. CPE Checklist

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt the motion to uphold the PMND. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. By upholding the PMND (as recommended), the Planning Commission would not prejudice or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Planning Commission Motion XXXXX

HEARING DATE: APRIL 14, 2011

*Case No.:* 2009.1163E  
*Project Title:* 17<sup>th</sup> and Folsom Park  
*Zoning:* Public Use District  
50-X Height and Bulk District  
*Block/Lot:* 3571/018  
*Project Sponsor:* Dawn Kamalanathan  
San Francisco Recreation and Park Department  
*Staff Contact:* Don Lewis – (415) 575-9095  
[don.lewis@sfgov.org](mailto:don.lewis@sfgov.org)

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2009.1163E FOR THE PROPOSED PARK 17<sup>th</sup> AND FOLSOM STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On December 22, 2009, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On January 26, 2011, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On January 26, 2011, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On February 14, 2011, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Sean Dowdall.
5. A staff memorandum, dated April 7, 2011, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

6. On April 14, 2011, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
7. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the April 14th City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
8. After consideration of the points raised by appellant, both in writing and at the April 14th hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
9. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
10. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on April 14, 2011.

Linda Avery  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: April 14, 2011



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Exhibit A to Draft Motion Planning Department Response to Appeal of Preliminary Mitigated Negative Declaration

CASE NO. 2009.1163E – 17<sup>TH</sup> AND FOLSOM PARK PUBLISHED ON JANUARY 26, 2011

### BACKGROUND

An environmental evaluation application (2009.1163E) for the proposed project was filed by the San Francisco Recreation and Park Department on December 22, 2009. The proposed project would subdivide the 60,925-square-foot parcel (Assessor's Block 3571, Lot 18), which is currently a 219-space surface parking lot, and construct a 34,300-square-foot neighborhood park that would front on 17th, Folsom, and Shotwell Streets. The project site is within the Public Use District, and is within a 50-X Height and Bulk District. The project would require approval by the Recreation and Park Commission.

The San Francisco Recreation and Park Department (RPD) considers the project area underserved by existing park and recreation facilities. In 1998, the City of San Francisco initiated the Great Parks for a Great City Assessment Project to determine the condition of the park system as well as to determine future needs. In August of 2004, the RPD published a Recreation Assessment Report that evaluates the recreation needs of San Francisco residents.<sup>1</sup> Nine service area maps were developed for the Recreation Assessment Report. The service area maps were intended to help RPD staff and key leadership assess where services are offered, how equitable the service delivery is across the City and how effective the service is as it applies to participating levels overlaid against the demographics of where the service is provided.

The proposed project is within the Mission Area Plan. As stated in the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods EIR), the Mission District has the greatest share of the Eastern Neighborhood's residential population and consequently exhibits the greatest ratio of residents to existing acres of recreational resources.<sup>2</sup> There are 11 RPD properties within the boundaries of the Mission plan area, including six parks in the southeastern, one park in the southwestern and four parks in the northern Mission. The RPD conducted a gap analysis for the 2006 Recreation and Park Acquisition Policy, which revealed areas of the City considered to be underserved by parklands and open spaces, and determined that the project area needs additional facilities and open space. The gap analysis cited an existing geographic deficiency in an area between South Van Ness Avenue and Folsom Street from 15th Street to 19th Street.<sup>3</sup> By creating a new park, the project would ameliorate this gap. Therefore, the Eastern Neighborhoods EIR

---

<sup>1</sup> San Francisco Recreation and Park Department, Recreation Assessment Report, August 2004. This document is available online at <http://sfrecpark.org/RecreationAssessment.aspx>

<sup>2</sup> Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report, Planning Department Case No. 2004.0160E, certified August 7, 2008; p. 375 The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: <http://www.sf-planning.org/index.aspx?page=1893>

<sup>3</sup> Ibid; p. 368.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

assumed that this deficiency would be addressed and a park would be located in the vicinity of the project site.

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) for the proposed project on January 26, 2011. On February 14, 2011, Sean Dowdall filed a letter appealing the PMND. The concerns listed below are from the appeal letter, a copy of which is included within this appeal packet. The concerns are listed in the order presented in the appeal letter.

**CONCERN 1:** “The project does not qualify for an exemption to full environmental review under the California Environmental Quality Act (CEQA) State Guidelines Section 15183 due to specific and peculiar effects this project will have on this site and the immediate environs. These effects specific in intensity and nature are listed below and the severity of which were not addressed in the Eastern Neighborhoods Rezoning and Area Plans Final EIR as they apply to this project and site/parcel.”

**RESPONSE TO CONCERN 1:** CEQA State Guidelines Section 15183 mandates that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

For projects in plan areas, such as this, the proposal is reviewed for significant impacts that are not addressed in the Programmatic EIR (PEIR). Topics for which the PEIR identified a significant program-level impact are addressed in the Community Plan Exemption (CPE) Certification of Determination while project impacts for all other topics are discussed in the CPE Checklist. If the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the PEIR, then the impact would be addressed in a separate Focused Initial Study/Preliminary Mitigated Negative Declaration (IS/PMND) or EIR.

For this project, the applicable PEIR for the plan area is the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods EIR),<sup>4</sup> and three documents were issued: a CPE Checklist, a CPE Certificate of Determination, and a Focused IS/PMND. Because the project would have a significant peculiar impact related to hazards and hazardous materials, the Planning Department prepared a Focused IS/PMND.

The Planning Department prepared a CPE Certificate of Determination that addresses topic areas for which there would be no project-specific significant impacts and incorporated by reference information contained within the Eastern Neighborhoods EIR. The determination assessed the proposed project’s potential to cause environmental impacts and concluded that the proposed project, with the exception of hazards and hazardous materials, would not result in new, peculiar environmental effects or effects of greater severity than were already analyzed and disclosed in

---

<sup>4</sup> Ibid.



the Eastern Neighborhoods EIR. With the exception of hazards and hazardous materials, the CPE Certificate of Determination did not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods EIR. The Certificate of Determination also identified a mitigation measure contained in the Eastern Neighborhoods EIR related to archeological resources that would be applicable to the proposed project. Because the proposed project would include uses that could involve exposure of contaminated soils, and because the Eastern Neighborhoods EIR did not offer mitigation measures to address this concern, project-specific mitigation measures are required to reduce this impact to a less than significant level. Therefore, the project qualified for a Community Plan Exemption for all environmental topics except for Hazards and Hazardous Materials. As discussed above, for the Hazards and Hazardous Materials topic a PMND was prepared.

Responses to the appellant's specific concerns related to parking, public services, public safety, and cumulative effects, are addressed in Response to Concerns 3, 4, 5, and 6.

**CONCERN 2:** "There has been inadequate notification of neighboring businesses, non-profit organizations and residences. Attached is a copy of a recent erroneous notification received by ODC San Francisco, a neighboring arts organization. The notification had information about another project in another part of San Francisco. No Environmental Review Notice from the Planning Department regarding the 17<sup>th</sup> and Folsom Park has recently been received by ODC. An informal poll of businesses in the immediate area indicates that some have not recently received an Environmental Review Notice regarding the park proposal."

**RESPONSE TO CONCERN 2:** The environmental review was noticed according to the requirements of CEQA and Chapter 31 of the Administrative Code. On January 21, 2010, a "Notification of Project Receiving Environmental Review" was mailed out to the neighboring properties (owners of properties within 300 feet of the project site) and other interested parties, notifying them that the Planning Department was conducting environmental review for the proposed project. One comment letter was received from a member of the public during the comment period, which expressed concern relating to the loss of parking. On January 26, 2011, the Department issued a Notice of Availability that a Mitigated Negative Declaration would be issued for the project. This notice was also posted at the project site from January 26 to February 20. The notice was published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration was posted at the Department, and distributed to interested parties.

The appellant states that Oberlin Dance Collective (ODC) of San Francisco, and other businesses in the immediate area, did not receive notice. The notification that was mailed out on January 21, 2010, by the Planning Department included ODC at 3153 17<sup>th</sup> Street.<sup>5</sup> The appellant does not state what other businesses did not receive notice; however, as stated above, the environmental notice was mailed to all owners of properties within 300 feet of the project site.<sup>6</sup> Even if ODC or another neighboring business did not receive notice, notice need not be perfect to comply with legal

---

<sup>5</sup> According to ODC's website, they have two addresses. The ODC Dance Commons is located at 351 Shotwell Street while the ODC Theater is located at 3153 17<sup>th</sup> Street.

<sup>6</sup> Attached is the notification list that was provided by the project sponsor.

requirements so long as the requirements have been substantially met. Accordingly, environmental notification for this project was adequate and appropriate, and complies with current and customary notification practices of the Planning Department and state and local law.

The appellant states that an erroneous notification was received by ODC that had information about another project in another part of San Francisco. This notice was not attached to the appeal letter and the Department is therefore unable to provide further response on this issue.

**CONCERN 3: Parking.** “No formal parking study has been completed and all evidence indicates that this issue has been addressed by casual observations.

The project will cause 124 parking spaces to be lost in a parking lot that is 90% + capacity a majority of time during the workweek and serves as a vital resource to neighborhood health organizations, arts organizations and small and medium sized businesses.

The review documents have not described the usage of the parking lot, capacity or any alternatives other than existing public transit options. In fact, at a meeting held with the Municipal Transportation Agency in June 2010, there was indication that the neighborhood would have other projects that would further reduce supply of an increasing demand for parking spaces. This includes the consolidation of bus routes, the narrowing of Folsom Street with wider sidewalks, a proposed bike lane along 17<sup>th</sup> Street. This is all in an area where demand for parking has continuously increased as the neighborhood has become safer, the home to more small businesses and provides more health care, arts access and community outreach resources to the Mission neighborhood.

The parking lot is currently used by:

1. UCSF staff
2. Doctors, nurses and staff of the Mission Neighborhood Health Center, which draws medical professional staff at below market wages who are willing to work there due to the convenience and sponsorship of parking. Elimination of these available spaces could have a significant negative impact on the retention and attraction of needed medical expertise to provide health care services to Mission neighborhood residents. More than 10,000 people are served by the center each year and many of those use that parking lot as well. The parking lot is used day and night usage is expanding.
3. ODC students, teachers, staff and audience members including more than 25,000 theatre attendees, 13,000 individual students and 100s of artists and staff members. As with the health center, usage is all day and increasing at night.
4. More than 100 small businesses are located within a full block radius of the parking lot. Many of those have employees and customers who use that parking lot.

Elimination of more than half of the parking spaces alone, not to even consider the cumulative reduction of parking in the area due to other projects, will be detrimental to health care, arts, community outreach, businesses and employment in a low and moderate income neighborhood. As the Certificate of Determination states, people will initially circle for parking and then

ultimately give up without getting access to health care, arts, and/or forcing businesses to reduce staff or close.”

**RESPONSE TO CONCERN 3:** Parking impacts of the proposed project are analyzed on page 7 and 8 of the CPE Certificate of Determination. The proposed project would replace a portion of an existing surface parking lot with a new neighborhood park. While approximately 124 of the 221 existing off-street parking spaces would be removed and not replaced, the resulting parking deficit is not considered to be a significant environmental impact, regardless of the availability of on-street parking under existing conditions, as parking deficits are generally considered to be social effects rather than impacts to the physical environment as defined by CEQA. Under CEQA, a project’s social impacts need not be treated as significant impacts on the environment except where they may lead indirectly to physical changes in the environment. Under California Public Resources Code Section 21060.5, “environment” means “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance.” San Francisco does not consider parking supply as part of the permanent physical environment because parking conditions are not static, as parking supply and demand varies from day to day, from day to night, and from month to month. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Per CEQA Guidelines Section 15131(a), environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City’s “Transit First” policy. The City’s Transit First Policy, established in the City’s Charter Section 16.102 provides that “parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation.”

The project area is well-served by local public transit (Muni lines 12, 14, 14L, 22, 27, 33, and 49) and bike lanes (L-23, 25, 30, and 40) which provide alternatives to auto travel. Thus, it is reasonable to expect that some employees and others who work in the project vicinity might opt out of vehicle usage, due to the lack of parking supply in the area. In addition, the proposed park is not expected to generate a substantial number of new vehicle trips, as it is intended to serve the surrounding area and does not include facilities such as a recreation center or sports field.

Potential secondary environmental impacts of parking deficits, including increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by

congestion, are addressed within the CPE Certificate of Determination.<sup>7</sup> Transportation analysis accounts for potential secondary effects, such as cars circling and looking for parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assumptions used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses the potential secondary effects. These impacts would, therefore, be less than significant.

Additionally, the Eastern Neighborhoods EIR analyzed potential parking impacts related to the area plan and found that on-street parking is typically fully occupied or nearly so, and that the Eastern Neighborhoods EIR project would result in a substantial shortfall in residential parking supply. Nevertheless, the EIR found no significant impact related to the loss of parking, and indirect effects caused by the loss of parking would not be considered a significant impact.<sup>8</sup> The proposed project is consistent with the assumptions upon which the Eastern Neighborhoods EIR analysis was based, and there would not be additional impacts associated with the project.

**CONCERN 4: Public Services.** “The negative impact on public services needs to be addressed. San Francisco has severe budget problems and many existing parks are inadequately maintained. This project will stretch already exhausted and overwhelmed resources. Having the park look nice day 1 is the least important part of environmental review. Most important is the negative effect on resources and the obvious side-effect of inadequate maintenance of the park.”

**RESPONSE TO CONCERN 4:** The appellant does not specifically state what physical impacts on public services would result from the proposed project. For information, the first three years of park maintenance would come from private development Eastern Neighborhoods impact fees. The appellant further states that many existing parks are inadequately maintained which is incorrect. Proposition C, approved by voters in 2003, established park standards which are measured quarterly through an ongoing evaluation process of the City’s parks. Evaluation scores have increased from an average of 76.9 percent in 2004-2005 to an average score of 91.8 percent in 2010-2011. During the 2009-2010 fiscal year, 91 percent of parks scored above 80 percent, 90 percent of parks scored above 90 percent, and only 14 parks scored below 79 percent. A score

---

<sup>7</sup> Community Plan Exemption, Certificate of Determination, 17<sup>th</sup> and Folsom Park. This document is on file and available for review as part of Case No. 2009.1163E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

<sup>8</sup>Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report, Planning Department Case No. 2004.0160E, certified August 7, 2008; pp. 264, 299, and 302. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: <http://www.sf-planning.org/index.aspx?page=1893>

above 85 percent generally indicates that a park is well maintained and that its features are in good condition.<sup>9,10</sup>

The Planning Department's Initial Study Checklist, which is based on Appendix G of the CEQA Guidelines, indicates that assessment of significant impacts on public services should consider whether the project would result in "substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services." As stated in the CPE Checklist, the proposed project would not substantially increase demand for police or fire protection services beyond the scope of what was considered in the Eastern Neighborhoods EIR and would not necessitate new school facilities in San Francisco.<sup>11</sup> Therefore, the proposed park would not result in a significant impact to public services.

**CONCERN 5: Public Safety.** "Also, public safety is a significant concern. The area has a history of out in the open drug abuse and crime. This has been reduced in recent years, but the existence of an unfenced park will cause more issues and put more demands on public safety services, which are already overtaxed."

**RESPONSE TO CONCERN 5:** Pursuant to CEQA, a "significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment. The environment means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance. The appellant does not state what physical impacts would result from the proposed project with regard to public safety. An increase in drug abuse and crime are considered socioeconomic changes and socioeconomic changes, pursuant to CEQA, and are not considered to be significant effects on the environment. To the extent this is a comment on the design of the proposed project, rather than on the project's environmental review, the Recreation and Park Commission may consider design features of the park related to public safety and crime during project approval.

**CONCERN 6: Cumulative Effects.** "The cumulative effects of this project on parking, transportation, public safety, public services need to be addressed with full review. The planning documents to date have only addressed hazardous materials and the mitigating measures only

---

<sup>9</sup> San Francisco Recreation and Park Department, FY 2011-2012 Efficiency Plan, February 1, 2011. Available on-line at <http://sfrecpark.org/documents/RPDEfficiencyPlan2011-2012.pdf>. Accessed April 4, 2011.

<sup>10</sup> San Francisco Recreation and Park Department, Parks Maintenance Standards, Annual Report FY 2009-2010, November 3, 2010. Available on-line at <http://sfcontroller.org/Modules/ShowDocument.aspx?documentid=1345>. Accessed April 4, 2011.

<sup>11</sup> Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: <http://www.sf-planning.org/index.aspx?page=1893>

address the hazardous materials issue. As noted above, cumulative effects have been identified, but have been left out of the planning documents to date.”

**RESPONSE TO CONCERN 6:** The appellant does not state what cumulative effects would result in implementation of the proposed project. The appellant states that “planning documents” only addressed hazardous materials which is inaccurate. The Eastern Neighborhoods EIR provides a cumulative analysis of reasonably foreseeable impacts, and the environmental review for the proposed project considered project-specific impacts in this cumulative context. The PMND, the CPE Certificate of Determination, and the CPE Checklist, reviewed all 19 environmental topic areas pursuant to CEQA, and found no significant impacts, both project-specific and cumulative, that could not be mitigated to a less than significant level. As previously mentioned, the Eastern Neighborhoods EIR analyzed potential parking impacts related to the rezoning, and found no significant impact related to the loss of parking. The appellant does not state what other transportation impacts could result from implementation of the proposed project. The project does not propose any components that would have a significant physical environmental impact on public safety or public services, and the appellant does not describe what physical impacts would result from the proposed project. In addition, the Eastern Neighborhoods EIR envisioned a park in this vicinity due to the shortage of parks in the area and found no significant effect on public services.

**CONCERN 7:** “There may be other areas of concern that will undoubtedly be uncovered with a full environmental review.”

**RESPONSE TO CONCERN 7:** The appellant does not raise what other concerns could be uncovered that would result in a potential significant effect on the environment. The Planning Department assessed the project’s potential to cause environmental impacts and concluded that the proposed project, with the exception of hazards and hazardous materials, would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods EIR. With the exception of hazards and hazardous materials, the Eastern Neighborhoods EIR incorporated and adequately addressed all potential impacts of the proposed park. Due to the peculiar impact found concerning hazards and hazardous materials, an IS/PMND was prepared for that topic area only, and found that with mitigation, effects on the environment would be less than significant. Therefore, additional environmental review is not required.

**RECEIVED**

**FEB 14 2011**

**CITY & COUNTY OF S.F.**  
DEPT. OF CITY PLANNING  
PIC

3:30 PM  
T.O. C PIC

Sean Dowdall  
2032 Scott Street  
San Francisco, CA 94115  
Cell: 415.286.7121  
E-mail: [sean@landispr.com](mailto:sean@landispr.com)

February 13, 2011

San Francisco Planning Department  
1650 Mission Street Suite 400  
San Francisco CA 94103

Attention: Dawn Kamalanathan, Don Lewis and Bill Wycko, Planning Department  
Karin Edwards, Recreation and Park  
Supervisor David Campos, District 9

Re: Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration  
Case # 2009.1163E, 17<sup>th</sup> Street and Folsom Street Park  
Appeal the Determination of No Significant Effect on the Environment, Request for Full  
Environmental Review

Dear All,

This request for Appeal of the Mitigated Negative Declaration and for Full Environmental Review of the proposed 17<sup>th</sup> Street and Folsom Street Park project is based on the following which include the inadequacy and underlying inappropriateness of the Preliminary Mitigated Negative Declaration:

1. The project does not qualify for an exemption to full environmental review under the California Environmental Quality Act (CEQA) State Guidelines Section 15183 due to specific and peculiar effects this project will have on this site and the immediate environs. These effects specific in intensity and nature are listed below and the severity of which were not addressed in the Eastern Neighborhoods Rezoning and Area Plans Final EIR as they apply to this project and site / parcel.
2. There has been inadequate notification of neighboring businesses, non-profit organizations and residences. Attached is a copy of a recent erroneous notification received by ODC San Francisco, a neighboring arts organization. The notification had information about another project in another part of San Francisco. No Environmental Review Notice from the Planning Department regarding the 17<sup>th</sup> and Folsom Park has recently been received by ODC. An informal poll of businesses in the immediate area indicates that some have not recently received an Environmental Review Notice regarding the park proposal.

The following are areas listed in the Community Plan Exemption Checklist dated 1/24/11, which need to be addressed in a full environmental review as they were either ignored, mis-categorized or inadequately addressed in the review and mitigation proposal process to date. Amending the Preliminary Mitigated Negative Declaration is inadequate as formal analytical and statistical studies are required to describe the project's environmental effects and inform public / community review and the resulting proposal of mitigation measures.

Community Plan Exemption Checklist

## **Topic 5 (f), Transportation and Circulation, Parking**

No formal parking study has been completed and all evidence indicates that this issue has been addressed by casual observations.

The project will cause 124 parking spaces will be lost in a parking lot that is 90% + capacity a majority of time during the workweek and serves as a vital resource to neighborhood health organizations, arts organizations and small and medium sized businesses.

The review documents have not described the usage of the parking lot, capacity or any alternatives other than existing public transit options. In fact, at a meeting held with the Municipal Transportation Agency in June 2010, there was indication that the neighborhood would have other projects that would further reduce supply of an increasing demand for parking spaces. This includes the consolidation of bus routes, the narrowing of Folsom street with wider sidewalks, a proposed bike lane along 17<sup>th</sup> Street. This is all in an area where demand for parking has continuously increased as the neighborhood has become safer, the home to more small businesses and provides more health care, arts access and community outreach resources to the Mission neighborhood.

The parking lot is currently used by:

1. UCSF staff
2. Doctors, nurses and staff of the Mission Neighborhood Health Center, which draws medical professional staff at below market wages who are willing to work there due to the convenience and sponsorship of parking. Elimination of these available spaces could have a significant negative impact on the retention and attraction of needed medical expertise to provide health care services to Mission neighborhood residents. More than 10,000 people are served by the center each year and many of those use that parking lot as well. The parking lot is used day and night usage is expanding.
3. ODC students, teachers, staff and audience members including more than 25,000 theatre attendees, 13,000 individual students and 100s of artists and staff members. As with the health center, usage is all day and increasing at night.
4. More than 100 small businesses are located within a full one block radius of the parking lot. Many of those have employees and customers who use that parking lot.

Elimination of more than half of the parking spaces alone, not to even consider the cumulative reduction of parking in the area due to other projects, will be detrimental to health care, arts, community outreach, businesses and employment in a low and moderate income neighborhood. As the Certificate of Determination states, people will initially circle for parking and then ultimately give up without getting access to health care, arts and / or forcing businesses to reduce staff or close.

## **Topic 12 Public Services**

The negative impact on public services needs to be addressed.

San Francisco has severe budget problems and many existing parks are inadequately maintained. This project will stretch already exhausted and overwhelmed resources. Having the park look nice day 1 is the least important part of environmental review. Most important is the negative effect on resources and the obvious side-effect of inadequate maintenance of the park.



Also, public safety is a significant concern. The area has a history of out in the open drug abuse and crime. This has been reduced in recent years, but the existence of an unfenced park will cause more issues and put more demands on public safety services, which are already overtaxed.

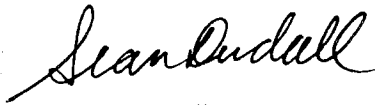
**Topic 19 (b) Mandatory Finding of Significance**

The cumulative effects of this project on parking, transportation, public safety, public services need to be addressed with full review. The planning documents to date have only addressed hazardous materials and the mitigating measures only address the hazardous materials issues. As noted above, cumulative effects have been identified; but have been left out of the planning documents to date.

There may be other areas of concern that will undoubtedly be uncovered with a full environmental review.

Please add me to the distribution list for all communications regarding this project. I have previously requested that and have as of yet to receive any.

Sincerely,

A handwritten signature in cursive script that reads "Sean Dowdall".

Sean Dowdall

