

July 15, 2025

Amy Campbell, President, San Francisco Planning Commission
Diane Matsuda, President, San Francisco Historic Preservation Commission
49 South Van Ness, Suite 1400
San Francisco, CA 94103
Via email: Commission Secretary commissions.secretary@sfgov.org; Clerk of the Board
board.of.supervisors@sfgov.org

RE: OPPOSITION to SHADE ACT LEGISLATION
2026-004685PCA [Board File No. 260539]

Dear Presidents Campbell and Matsuda and Commissioners,

We write to strongly OPPOSE the above-cited proposed ordinance. This ordinance would significantly amend procedures governing the City's implementation of the California Environmental Quality Act (CEQA). The ordinance has been represented as intended to remove shadow analysis as a topic to be considered in local CEQA review. However, the ordinance disguises a major assault on San Francisco's environmental review process, significantly reducing long-standing, pre-existing environmental protections and thwarting public participation.

For the following reasons, we urge both the Historic Preservation and Planning Commissions to oppose this proposed legislation:

- The ordinance removes required shadow analysis; a violation of Proposition M.
- Shadow is a physical environmental effect that must be considered under CEQA, as long acknowledged by Planning Department practice.
- The ordinance limits or eliminates Planning Commission review, public notice, comment, and appeal; a direct conflict with the core purpose of CEQA.
- The ordinance itself is subject to CEQA analysis prior to consideration by the Historic Preservation Commission, Planning Commission, and Board of Supervisors.

Removal of Shadow Analysis is a Violation of Proposition M

The proposal to "remove shadow analysis as a specific type of environmental impact" would violate the provisions of Proposition M adopted by the voters in November 1986. Proposition M established eight Priority Policies in the General Plan, including

Policy 8: “That our parks and open space and their access to sunlight and vistas be protected from development.”

The specific provisions of Proposition M prohibit the City from adopting any legislation that is inconsistent with its Priority Policies and require that prior to issuing a permit for any project which requires an Initial Study under CEQA, the City must find that the project is consistent with the Priority Policies, including protection of our parks and open space and their access to sunlight. Compliance with Proposition M requires shadow analysis to be included in each CEQA Initial Study as a potential environmental effect. Therefore, the proposed ordinance cannot remove shadow, or the other Priority Policies, as a topic to be considered in local CEQA review.

The proposed amendments would eliminate the long standing requirement that local CEQA review include:

“consistency with the environmental issues included in the Eight Priority Policies set forth in Section 101.1 of the Planning Code and incorporated into the General Plan; shadow impacts, including the analysis set forth in Planning Code Section 295, and such other data and information specific to the urban environment of San Francisco or to the specific project.”

By deleting this language, the proposed ordinance would eliminate reference to two major propositions approved by San Francisco voters emphasizing the importance of access to sunlight, and successfully applied for more than 40 years. In addition, the ordinance would eliminate from environmental review the shadow ban on parks and other public spaces adopted by voters as Proposition K in June 1984. Even if both propositions remain in place elsewhere in the code, deleting them from the local CEQA guidelines would eliminate them as critical factors in informing decision makers and the public about the environmental impacts of projects that the San Francisco electorate have twice voted to protect.

Shadow is a Physical Environmental Effect and Should Continue to be Considered Under CEQA, as Long Acknowledged by Planning Department Practice

The findings in the proposed ordinance state that “It is the intent of the Board [sic] of Supervisors to remove shadow as a topic to be considered in local CEQA” Sec. 1(j) of

the proposed findings would require the Planning Commission and the Historic Preservation Commission (HPC) to find that “shadow is not a physical environmental effect under CEQA because its impacts are subjective, variable, dependent on personal preference and the weather, and can have both positive and negative health implications.”

Not only would this finding be in violation of Proposition M, but it would be inconsistent with long-standing Planning Department practice. Shadow is a physical environmental effect under Sec. 15382 of the California CEQA Guidelines, which defines “Significant Effect on the Environment” to mean “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” Few physical effects are more readily apparent than shadows, especially when they affect public spaces. Under a plain reading of the CEQA Guideline’s definition, shadow is clearly a “physical condition,” and thus must not be excluded from CEQA analysis.

That shadow is a physical environmental effect to be considered under CEQA has long been acknowledged by the Planning Department. For example, the Department’s CEQA Initial Study Checklist (as downloaded on July 3, 2026 from the Department’s environmental review website sfplanning.org/permit/environmental-review-resources) specifically lists “Shadow” as an environmental impact category to be considered when determining if a project requires a CEQA Negative Declaration or a full Environmental Impact Report. Shadow has been included in the Department’s Checklist for many years.

Information about shadow impacts is commonly developed during environmental impact assessments, and is an important factor in informing decision makers and the public about the environmental impacts of a project, especially in the dense urban environment of San Francisco. Analyses of shadow can also be central to the evaluation of such other CEQA environmental impact categories as Recreation, Land Use / Planning, Public Services, Cultural, and Aesthetics.

Major Limitation or Elimination of Planning Commission Review and Public Notice, Comment, and Appeal is in Direct Conflict with Core Purpose of CEQA

The core purpose of CEQA is to provide decision makers and the public information on the environmental effects of a proposed project. According to Sec. 15121 of the CEQA

Guidelines: “An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”

Limiting or eliminating public notice, comment, and information access directly conflicts with this stated purpose. Numerous instances of such limitation or elimination are found in the proposed ordinance, with any resulting “streamlining” of local CEQA review coming at the expense of the public right-to-know. The authority of the Planning Commission, the HPC, and Board of Supervisors would be subsumed by Planning Department staff at the expense of the public’s right to notice, comment, and appeal, reducing transparency and opportunities for public participation. In other words, the right of the public to appeal CEQA Exemption Determinations, Negative Declarations and Environmental Impact Reports (EIRs) would be significantly limited by decreasing public notice and eliminating public hearings at the Planning Commission or HPC.

Without enumerating them all, several illustrative examples include the following:

- Eliminates the existing requirement that each CEQA Initial Study address the eight priority policies set forth in Planning Code Section 101.1, including that our parks and open space and their access to sunlight and vistas be protected from development, in violation of voter approved Proposition M.
- Significantly limits or eliminates public notice of CEQA Exemption Determinations, Negative Declarations and Draft EIRs.
- Shortens project public comment periods from 30 to 15 days making it virtually meaningless.
- Eliminates all currently required public hearings on CEQA Negative Declarations and Draft EIRs at the Planning Commission or Historic Preservation Commission, as well as the right to appeal Exemption Determinations, Negative Declarations or Draft EIRs to the Planning Commission.
- Shortens the period to appeal CEQA EIRs and Negative Declarations to the Board of Supervisors (BOS) from 30 to 15 days making the possibility of any meaningful appeal virtually impossible.
- Shortens the time for the BOS to hear the appeal from 30 days to two weeks which does not allow for a fair, adequately briefed hearing.
- Limits the Board of Supervisors to only two weeks to prepare findings which does not allow for a fair, well-informed hearings and decision-making process.

- Eliminates appeals of any housing project which is first approved at the Board of Supervisors.
- Eliminates the requirement for Planning Department staff to prepare annual reports to the Planning Commission and BOS of all appeals.
- Removes Planning Commission and HPC review of Planning Department decisions to add to or modify the lists of categorical exemptions and “ministerial” projects not requiring environmental review.
- Gives the Planning Department staff discretion to change mitigation measures adopted by the Planning Commission or BOS for an already approved project outside of the Planning Commission’s or BOS’s review and to forgo additional environmental review to reevaluate a project that has been substantially modified following a CEQA determination.

Proposed Ordinance is Subject to CEQA Analysis Prior to Consideration by Historic Preservation Commission, Planning Commission, and the Board of Supervisors

The proposed ordinance itself is subject to CEQA because it significantly reduces or eliminates long standing, pre-existing environmental protections and public participation that currently exist under Chapter 31. Therefore, CEQA analysis is required before the City can consider the proposed ordinance.

In conclusion, for the four primary reasons enumerated above, NUSF strongly urges both the Planning Commission and Historic Preservation Commission to oppose this harmful, disingenuous proposed ordinance in its entirety.

Sincerely,



Lori Brooke

Co-founder, Neighborhoods United SF

cc:

Mayor Daniel Lurie

Ned Segal, Chief of Housing and Economic Development

Amy Campbell, President amy.campbell@sfgov.org

Lydia So, Commissioner lydia.so@sfgov.org
Sean McGarry, Commissioner sean.mcgarry@sfgov.org
Derek Braun, Commissioner, derek.braun@sfgov.org
Jonas Ionin, Secretary commissions.secretary@sfgov.org
Sarah Denis Philips, Planning Director sarah.dennis-phillips@sfgov.org
Kei Zushi, Senior Planner kei.zushi@sfgov.org
Ryan Shum, Senior Planner ryan.shum@sfgov.org
Clerk of the Board board.of.supervisors@sfgov.org
Diane Matsuda, President HPC diane.matsuda@sfgov.org
Hans Baldauf, Commissioner hans.baldauf@sfgov.org
Eleanor Cox, Commissioner eleanor.cox@sfgov.org
Robert Vergara, Commissioner robert.vergara1@sfgov.org
Chris Foley, Commissioner chris.foley@sfgov.org
Gayle Strang, Commissioner gayle.tsernstrang@sfgov.org
Dan Baroni, Commissioner dan.baroni@sfgov.org

All Neighborhoods United SF Partner Organizations:

Aquatic Park Neighbors
Barbary Coast Neighborhood Association
Catalysts for Local Control
Cathedral Hill Neighborhood Association
Coalition for San Francisco Neighborhoods
Cole Valley Improvement Association
Corbett Heights Neighbors
Cow Hollow Association
Cow Hollow-Marina Neighbors and Merchants
D2 United
D4ward
Diamond Heights Community Association
Dolores Heights Improvement Club
East Mission Improvement Association
Excelsior District Improvement Association
Forest Hill Association
Francisco Park Conservancy
Geary Boulevard Merchants and Property Owners Association

Golden Gate Heights Neighborhood Association
Golden Gate Valley Neighborhood Association
Greater West Portal Neighborhood Association
Haight Ashbury Neighborhood Council
Ingleside Terrace Homeowners Assoc
Jordan Park Improvement Association
Lakeside Property Owners Association
La Playa Park Coalition
La Playa Village
Laurel Heights Neighborhood Association
Lombard Hill Improvement Association
Marina - Cow Hollow Neighbors and Merchants
Marina Community Association
Mid-Sunset Neighborhood Association
Midtown Terrace Homeowners Association
Miraloma Park Improvement Club
Mission Dolores Neighborhood Association
Noe Valley Council
North Beach Tenants Committee
Oceanview/Merced Heights/Ingleside - Neighbors in Action
Our Neighborhood Voices
Pacific Avenue Neighborhood Association
Parkmerced Action Coalition
Planning Association for the Richmond
Rincon Point Neighborhood Association
Russian Hill Community Association
Russian Hill Improvement Association
San Francisco Land Use Coalition
San Francisco Tenants Union
Save Our Amazing Richmond
Save Our Neighborhoods SF
Sensible D7
St. Francis Homes Association
Small Business Forward
Sunset Heights Association of Responsible People

Sunset-Parkside Education & Action Committee

Sunset United Neighbors

Telegraph Hill Dwellers

University Terrace Association

Waterfront Action Committee

Westwood Park Association