File No. 120696 Board Item No. 44

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date: July 10, 2012**

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☐	☒	**Letter from Ellen Garber re: Response to Appeal dated 07/02/12.**
☐	☒	**Notice of Public Hearing dated 06/22/12.**
☐	☒	**Letter from Board to Sue Hestor dated 06/14/12.**

Completed by: Dena Braley **Date: July 3, 2012**

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

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June 13, 2012

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APPEAL OF FINAL EIR TRANSIT CENTER DISTRICT PLAN AND TRANSIT TOWER
2007.0558E and 2008.0789E
Planning Commission Motion 18628 - May 24, 2012

Save Our Parks Sunlight Coalition appeals Planning Commission Certification of the EIR for the Transit Center District Plan and Transit Tower. San Franciscans for Reasonable Growth is a member of that Coalition and submitted comments on both the scoping for the EIR (8/19/2008) and on the DEIR (11/28/2011) via its counsel, Sue Hestor.

The issues that were inadequately addressed in the DEIR include, but are not limited to, the following:

- Understatement of the shadow impacts on parks under the protection of Proposition K, specifically including but not limited to Portsmouth Square and Union Square.
- Understatement of the shadow impacts on public spaces, including protected sidewalks, other than parks protected by Proposition K.
- Misapplication of the LAW adopted by San Francisco voters in assuming that the LAW may be amended or interpreted away so as to permit shadows on parks which are protected by Proposition K.
- Inadequate explanation of adopted policies on shaping the City regarding City form, building heights and how the City is seen are being changed.
- Inadequate explanation of housing needs and what is actually being constructed.

Respectfully submitted,

Sue C. Hestor

cc: Sarah B. Jones

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Planning Commission Motion 18628

Hearing Date:	May 24, 2012
Case No.:	**2007.0558E and 2008.0789E**
Project Address:	**Transit Center District Plan and Transit Tower**
Zoning:	P; C-3-O; C-3-O(SD); C-3-S; TB-DTR Various Height and Bulk Districts
Block/Lot:	Multiple; 3720/001(Transit Tower)
Project Sponsor:	San Francisco Planning Department and Transbay Joint Powers Authority
Staff Contact:	Sarah Jones – (415) 575-9034 Sarah.b.jones@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED AREA PLAN AND ASSOCIATED REZONING OF 145 ACRES ROUGHLY BOUNDED BY MARKET STREET, STEUART STREET, FOLSOM STREET, AND A LINE EAST OF THIRD STREET, AND FOR CONSTRUCTION OF AN OFFICE TOWER UP TO 1,070 FEET TALL ON THE SOUTH SIDE OF MISSION STREET BETWEEN FREMONT STREET AND FIRST STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2007.0558E and 2008.0789E, Transit Center District Plan and Transit Tower (hereinafter "Project") (State Clearinghouse No. 2008072073), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

   A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 20, 2008.

   B. On September 28, 2011, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

   C. Notices of availability of the DEIR and of the date and time of the public hearing were posted in the project area by Department staff on September 28, 2011.

local intersection operation (transportation); causing a substantial increase in transit demand that could not be accommodated by adjacent capacity (transportation); resulting in a substantial increase in transit delays (transportation); creating a volume of pedestrian activity that would cause pedestrian level of service to deteriorate (transportation); resulting in development that would create potentially hazardous conditions for pedestrians and bicyclists (transportation); resulting in a loading demand that could not be accommodated within on-site or on-street loading areas (transportation); resulting in construction activity that would result in disruption of circulation (transportation); creating noise levels in excess of standards and introducing sensitive receptors in areas with high noise levels (noise); exposing sensitive receptors to high levels of particulate matter and toxic air contaminants (air quality); resulting in construction-period emissions of criteria air pollutants and dust (air quality); creating shadow that could adversely affect the use of various parks and open spaces (shadow); and

B. Will have a significant cumulative effect on the environment in that it would, in combination with other reasonably foreseeable probable future projects, alter the visual character of greater Downtown and alter public views of and through Downtown (visual resources); adversely affect historical resources (cultural resources); contribute to congested conditions at the Fourth/Harrison and First/Harrison freeway on-ramps (transportation); result in cumulative noise impacts (noise); result in cumulative air quality impacts (air quality); and create new shadow that would adversely affect the use of various parks and open spaces (shadow).

9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 24, 2012.

Linda Avery
Commission Secretary

AYES:	ANTONINI, BORDEN, FONG, WU
NOES:	MOORE
ABSENT:	MIGUEL
RECUSED:	SUGAYA
ADOPTED:	May 24, 2012

328246.1

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November 28, 2011

Sarah B Jones
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2007.0558E & 2008.0789E - Transit Center District Plan & Transit Tower - Draft EIR

Dear Ms. Jones:

On behalf of San Franciscans for Reasonable Growth I am submitting the following comments on the Transit Center Draft EIR.

The most appropriate of the DEIR is POLLYANNAish. If that is a word.

This DEIR - as well as the planning staff working on/promoting this "plan" - would be well served to have an impartial group evaluate the street level quality/experience of the high-rise buildings that have been built since the Urban Design Plan, the Downtown Plan and even the various Rincon Hill plans were approved. There is an AWFUL lot of reliance on the LANGUAGE in various policies - the Urban Design Plan, the Downtown Plan and the Rincon Hill Plan. The language of those "plans" is lovingly set out as though the nice words actually resulted in changes at street level. There is little "evaluation" or recognition that high-flown policies don't actually result in implementation in real world San Francisco. This analysis could also be extended to the Code language that was adopted that turned around and allowed "exceptions" which became the norm when a building was actually reviewed and approved.

The Aesthetics evaluation should mostly focus at the STREET LEVEL, since that is where most people will experience these buildings. While we also care about how these buildings affect the skyline and important public views - see later comments here - much of what has been built in the last 35-40 years didn't quite result in the wonderful ground-level perspectives (the ideals) set out in those plans. Development in the past 35-40 years was theoretically guided by the *policies* of the Urban Design Plan, the Downtown Plan or the Rincon Hill Plan. How did it REALLY work out? What is the level of POSITIVE ground level pedestrian activity around the NEW TALL buildings. What about their "plazas" or other softening aspects? How much do they welcome people, both those who work in their building or those in the area? How much of the ground level space is ACTIVE retail or services? Are the NEW buildings providing those spaces, or is it in the OLDER buildings? How "friendly" is the pedestrian experience. How ACTIVE are these spaces in the REAL world?

Our sense is that there are an awful lot of "policies" that look terrific on paper, but aren't really implemented all the way through in construction details, in ground level active uses and in creating a strong public realm in/around NEW high-rise buildings.

Which BUILDINGS worked they way the "plans" intended? Vs. which created inactive, under-used spaces? Which "outdoor" access spaces REALLY work? What population do they serve?

The Planning Department itself may not be the best judge of its own efforts. Perhaps one of the Architecture/Design schools that regularly put students into SF planning issues - UC Berkeley, Cal Poly - could be asked to do a human level evaluation of the NEW downtown buildings and how they function at the ground level. The students are guided by professionals in their Department, but may come to this with a fresh view. Architecture students don't have a stake in justifying Planning Department policies.

Page 6 - I can't read the street names on those maps. Please redo these maps. That protruberant area on Howard Street is strange. There actually is a proposed high-rise - with associated height increase - for Howard on the south side between Spear and Steuart, aka 75 Howard Street. Is there yet another proposal RIGHT UP TO THE EMBARCADERO?

Page 7 fn7 - do these addresses match the sites analyzed for such things as the shadow impacts of various buildings? It is hard to track lists of buildings throughout the DEIR.

I don't remember seeing the Rincon Point/South Beach Redevelopment Plan/Area mentioned as one of the underlying controls. It clearly governed development of several parcels in the east part of the plan area.

Page 8 - 2008 study by Seifel was clearly started before 2008. The economy has had a great shaking out in the intervening years. How valid are the projections, and what ASSUMPTIONS underlie those projections? What other similar projections has Seifel done for San Francisco? How did THOSE projections bear out.

We have been in a significant **recession** (to use the most generous term) since 2008. It is very difficult to get construction financing. Even though SF continues to be in something of a housing bubble because of demand generated by Silicon Valley, SF has a huge backlog of housing approvals. Mostly for high end condo towers. The downtown office market has tanked and projections of office demand have been WAY OFF. Please refer to the 25 year report on the Downtown Plan to determine just how far off the estimates have been. Has the economy moved on?

So please go back to the beginning and look at the most BASIC assumptions regarding NEED and FEASIBILITY.

The project objectives in the DEIR do not set any for housing. Are there such? Is the goal of generating substantial funding from development rights (via an extraordinarily tall building) realistic in 2012? Also page 15 fn 17 (which has a typo - fn 9 is on page 8)

Page 10 - there have been three versions of a Rincon Hill Plan. The original one that came on the heels of the Downtown Plan. The 2-block plan that includes the area east of Fremont and is partially

constructed. The current plan that provides for extremely tall towers and resulted in construction of One Rincon Hill. They all have elaborate policies to densely house residents, with neighborhood amenities, good design, parks, sunlight, etc etc. The REAL WORLD is not so glowing and should be analyzed in the same context as the Downtown Plan, Urban Design Element. It is stated that it will CREATE housing for as much as 20,000 new residents. That is bad terminology. It will "accommodate." Plans don't create anything because so few of them are fully implemented.

Which leads to the next point. The Downtown Plan created a new zoning category - C-3-O(SD) which includes much of THIS Plan area. It was intended to be the most dense office space in the City. With sculpted buildings (YOUR term again), gracious spaces, active ground levels. It was IN THE PLAN. But it just didn't happen. Explain why THIS PLAN is going to be able to deliver all those things - and more? Go back to the Downtown Plan and explain what assumptions IT MADE for the amount of development that would occur in the C-3-O(SD).

Page 14 - The map of heights in the DTPlan was driven by locating the tallest buildings right next to the best transit access - the MUNI/BART stations because they would handle the greatest number of people coming into the downtown. The increased heights south of Mission contradict that policy of being close to MUNI/BART stations. Those facilities/transit lines are REAL. Please explain why large chunks of land are proposed for such a dramatic height increase when they are more remote from MUNI/BART stations/service?

Page 16 - inversion of FAR limit to be a FAR base. This really turns the Downtown Plan analysis of how to get appropriately designed buildings inside out. How do you FORCE that kind of density? And get "sculpted" buildings. The new FAR FORCES extreme heights.

Page 17 - active retail assumption/goal. Casual observation of "new"buildings vs. "old" buildings may show that the older buildings are more likely to have active retail on the ground floor. The Downtown Plan really wanted active retail, but it doesn't always happen that way. How do you intend to FORCE the owners to rent to the businesses the Department wants to be there?

The term "elegant skyline" is overused by the Department. In the real world what is actually building, vice the Downtown Plan, doesn't come out that way. If you wish REALLY hard....

Seismic underpinnings for 1000' tower. What are the implications of tenants going through a MAJOR earthquake in such a tall building. If the elevators have to go off for a period, the evacuation AND inability to reoccupy (with elevator shut off) AND will the building shed even a little bit of its skin so that the STRUCTURE can right out the quake.

Page 18 - paragraph re shifting development zone 10 years in the future if no development taller than 700' is built. How would this occur? Is it reflected in the various analyses (e.g. shadows) in this DEIR?

> ***HOW DO YOU PROPOSE TO UNDO THE VOTE OF SAN FRANCISCO VOTERS WHO ADOPTED THE SHADOW LIMITATIONS OF PROPOSITION K* - the legal foundation for Planning Code shadow limits? Do you have LEGAL clearance for a mere change in "policy language?"**

What modifications would be necessary if the public does not vote to change the terms of Prop K?

Page 19 - table listing various sites. It would be more helpful to give the name of the existing building or street address and not wait until page 74.

All those things that would "remain in force" from the Downtown Plan need a clear explanation - that the DEPARTMENT/COMMISSION ROUTINELY GRANTS "EXCEPTIONS" TO ALL THE RULES. The Downtown Plan sometimes appears to be swiss cheese to outsiders. DO YOU HAVE A LIST OF EACH TYPE OF EXCEPTION AND WHICH PROJECTS WERE GRANTED IT?

Going to **page 20** et seq - what provisions are designed to be ABSOLUTES, with NO exceptions allowed?

Page 30 - what happened to **Folsom becoming 2-way with 2-way transit service west of 2nd Street**? It was discussed in just about every plan dealing with development along Folsom for the past 20 years. Included Rincon Hill Plan, Eastern Neighbhorhoods, and I believe the Redevelopment Plan for this area. It is key to improving east west transit service in the areas south of Market.

Page 47 - list of projects with applications on file. Make it clear that this is NOT the same thing as projects that will use the increased heights. 75 Howard has recently filed with the intention of increasing heights at THAT site near The Embarcadero. Please explain.

Page 66 - Proposition K Planning Code 295 - see comment above. Proposition K is VOTER-ADOPTED POLICY. City voters did NOT give Rec Park the ability to collude with the Planning Commission to violate the provisions the voters had ADOPTED. In the months leading to Prop K being put on the ballot there was substantial controversy over shadows being added to UNION SQUARE, to PORTSMOUTH SQUARE and the CHINESE PLAYGROUND. A professional study was done to define the base line - the amount of existing shadow on each affected park. But the LIMITS were established by the VOTERS. **What plan does the Department have to present amending Prop K to the voters at the next election?**

Page 69 - Downtown Plan growth projections. See above re questions about how reliable the current projection of demand is in the context of prior projections.

I have in my files an op-ed from at least one local architect written after the Prop M limit was adopted that "the sky is falling" because the amount of DEMAND so exceeded the amount Prop M allowed. <u>As can be seen in the 25-year report, the amount of office space that Prop M allowed WHICH WAS THE EXACT AMOUNT THE DEPARTMENT'S CONSULTANTE PROJECTED WOULD BE NEEDED allowed for much more space than was actually needed</u>.

Page 92 - new housing in general area. Please provide information by type of housing (rental, condo, "artist live/work"), # units in building, income level needed to afford unit, noting how many are in high-rise towers. The core information needed to understand how this new housing meets identified needs is **WHAT INCOME LEVEL IS BEING SERVED?** How much parking is associated with each housing project - an important factor given the explicit policy in the Downtown Plan to severely limit the amount of cars on these streets because they are already way over capacity at rush hour.

Page 93 - Downtown Plan assumptions on design - how well did they work out in the real world? The "highly urbanized feel" given by those east/west streets - isn't that mostly FOR CARS? For pedestrians the feel is not very pleasant - unless this is what is meant by "highly urbanized."

Page 95 - "ramps emphasize transportation-related attributes" - huh?

Please note that the description of the mixed nature of the area - with lower human-scale buildings providing a variety of services and a high level of street activity - is a reflection of the INDUSTRIAL ZONING for most of THIS south of Market Street right up until the Downtown Plan changed the zoning. It would be helpful if the photos were labeled to indicate which of them show "Downtown Plan" buildings.

Which are the C-3-O (SD) buildings on photos 101- 103?

Page 102 - Visual Resources - **Folsom Street** approaching the Bay IS a visual resource, giving people a sight of Yerba Buena Island AND the Bay itself several blocks west of The Embarcadero. It is the only eastbound unobstructed corridor. It is not clear where the pictures on p 105 were taken.

Page 110 - the **1971 Urban Design Plan** - this has been a mostly ignored plan for decades. It is still on the books, but a LOT more attention has been paid to the Downtown Plan because THAT was the document done by the more recent Planning Director. To the extent planning staff was "grounded" in any plan, they were grounded in the Downtown Plan. We say that as those who have repeatedly cited Urban Design Plan policies which are disregarded as not quite up-to-date by the Department. It is nice to see it set out in THIS document, but it has been a long time since has been the focus of attention.

The call for "high-quality design" for prominent buildings - it would be nice if it had occurred.

Page 112 - relative heights. Can you provide relative "sky-line" heights for each building, i.e. the elevation at base PLUS the "building height" to give context for buildings cited.

UDP policy on landscaping and lighting - are there several/many instances where this was done successfully?

Page 113 - statement that "no change (in heights) would occur east of Main Street, leaving the blocks closest to The Embarcadero, already densely built out with an earlier generation of high-rises, most less than 300 feet tall, essentially undisturbed" - is INCORRECT given the pendency of an application to increase the height limit for 75 Howard Street

WHY is it necessary/desirable to "create a secondary mound" on Rincon Hill if that "mound" will block off views of the Bay Bridge and Bay from the middle of the City?

The term "sculpted" is thrown around in this document. Isn't that just a relative term that has no real meaning? Look at all the buildings built pursuant to the Downtown Plan. How "sculpted" are they?

Page 119 - last sentence - limiting some views of the sky **AND THE BAY BRIDGE AND THE BAY.**

Page 118 - mid-City view perspectives - there should be something more to the north of the Twin Peaks and Portola Drive perspective. Coming over the crest of the hill at 17th Street and all the area to the north and south of Market there is an unobstructed view to the northeast to the Bay and the Bay Bridge. In the text of THIS DEIR there are many comments about how various Plan sites will have VIEWS. In that area of the City housing costs are adjusted upwards by MANY thousands of dollars for those views of the Bay Bridge. Views that will be cut off if the already approved Rincon Hill projects area actually built. This proposal is to extend that area of obstruction several blocks to the north.

Impact AE-1 (page 109-120) is NOT less than significant for the EXISTING residents in the middle of the City east of Twin Peaks. The "scenic resources" are public streets (and secondarily the homes near them) in that area - Market, 17th Street, Portola, Clipper.

The photos on pp 130-148 are muddy. It is impossible to really tell the buildings in this area. Where the bay or the bay bridge is supposedly present, it disappears into foggy graphics. For visual analyzes, renderings that can actually be understood are IMPORTANT. We can't see the Bridge.

Page 139 - it is impossible to understand the paragraph that merges discussion of the TWO fairly separated sites on Hwy 101. Could not figure it out. Noted that text indicates the Palace Hotel tower is visible, but no such is labeled on the photo. Is it the green building to the left on p. 141?

In general, could not distinguish any new building colored "gray" - just the blue and green ones.

Pictures from the Bay Bridge are pretty terrible in quality.

Does cumulative development one from T.I. include the proposed 8 Washington project?

Page 151 - Bay Bridge view - aesthetics of SF as seen from crossing the Bay Bridge are how one sees the form of the City (Urban Design Plan). These renderings totally obliterate ANY sense of the mountains in the middle of the City. Please correct.

Page 153 - these buildings would "**provide an additional focal point**" - that is ONE way of saying that they would be visible because they are blocking out/interfering with views of the Bay or Bay Bridge.

Page 176-177 - please describe the market that will be accommodated in this new housing - in terms of the City's RHNA goals - Regional Housing Needs Allocation. The vast majority of housing needed is for the persons below the "market rate" - actually HIGH MARKET RATE - level provided thus far in this part of the South of Market. In light of SF's RHNA goal, what "demand" is there for residential high-rise towers both in this Plan and in the approved-but-not-yet-built housing including Rincon Hill?

Page 178 - what is the market demand for tower (premium tower) office space? Please consult the 25-year report on the Downtown Plan re the significant drop off in demand for space in TOWERS vs more low-rise flexible space where people can function as a community.

Page 179 - info on workers and residents in SF is confusing. It is not always clear whether what is being discussed is people who LIVE AND WORK in SF, people who WORK in SF but live elsewhere and people who LIVE in SF but work elsewhere.

Also confusing **page 180** last paragraph. Price range shows higher THEN LOWER number. Huh?

Mismatch between housing NEED and housing PRODUCED is seen on **page 181** first full paragraph. Housing prices in SOM/Rincon Hill have been 10% more expensive than city-wide median. How will the City get out of this imbalance when we are so NOT meeting the RHNA goals re the income levels of housing being produced? That is before development in this Plan Area creates a bigger hole re new affordable housing. Please note that this is one of the places where the DEIR cites a premium for housing in high-rises with VIEWS. It is just as valid to recognize those residents of the middle of the City who will LOSE their views.

Page 183 - RHNA goals for housing - there is a PITTANCE of housing being produced for those making 80-120% of AMI. 12.9% of the amount needed, v 153.4% of MARKET RATE HOUSING. Assuming the units come on line in this area as predominantly market rate (we know that is what has already been approved on Rincon Hill), how much further from attaining SF RHNA goals will we be?

Rincon Towers - the largest residential development in this area - a REDEVELOPMENT SITE - is being substantially **rented as short-term furnished corporate housing**. Is this is compliance with the Rincon Point Redevelopent Plan? Is this consistent with the Rincon Point/South Beach Redevelopment Plan goals? (**p. 185**) Again the term justifying the cost of this housing being developed for the high-end market includes the word - VIEWS.

Page 187 - note the statement re the declining office market in SF and the shift in location AND type to the technology sector. WHY does the City still want to pump up the amount of off-the-charts EXPENSIVE downtown office space. WHO WILL BE LEASING IT? This appears heading for a disaster. The amount of demand is not even equal to that projected in the Downtown Plan.

Page 188 - SF population increase projection - what is the projected mix of housing affordability needs? Page 190 - additional housing to be provided in C-3/downtown. Without concentration on meeting RHNA goals, the housing will continue to be WAY ABOVE MARKET RATE. If that occurs, the City will be unable to meet its RHNA goals at all, and there will be increasing gentrification pressure on housing. The CONTEXT of this downtown area includes, the AAU is gutting the rental stock in the C-3/downtown area. Rincon Towers and Golden Gateway managing significant portions of their RENTAL HOUSING (built on subsidized Redevelopment Land) as corporate short-term housing. PLUS a gross shortfall in production of housing for those earning 80-120% of median income. Continuing on this path in the Plan area means an even worse housing disaster for San Francisco.

Page 192 - Job Housing Linkage Program - this program resulted from massive community pressure, sustained over 6+ years to force Planning and the Mayor to require that commercial office developers pay a portion of the cost of new housing to accommodate their work force. In 1984/1985 the Board of Supervisors, working with community advocates, held the Downtown Plan hostage until the Office Affordable Housing Production Program was signed by Mayor Feinstein. The fee required pays only a portion of the cost of providing new housing to meet the needs of the work force.

The **page 204** conclusion that there is no impact on the housing supply appears to assume that everything is moving just fine for housing production AT APPROPRIATE INCOME LEVELS in San Francisco. This is a fallacious assumption. You cannot assume that Hunter Point housing, Treasure Island Housing, will be built just because their plans have been approved. Similarly that just because the Eastern Neighborhoods and Market/Octavia were zoned so they could accommodate more housing, that it will be built. This is particularly the case for housing for moderate income residents which is increasingly challenged. The "$53 million" in JHLP funds occurs on full build-out of the entire project. If that level of funding was paid, the full amount of office space would be built. Because the JHLP program funds provide only PART of the money needed to construct that housing, the City would be deeper in the hole

Page 200 - Increased residential capacity - This is another of the Pollyanna-ish sections. Increase number of housing units will NOT help SF meet its RHNA goals if it is all (as usual) VERY high market rate housing. We are developing and approving many more upper income housing units than are San Francisco's target. But the housing for people earning 80-120% of median income falls greater and greater behind. Growth in residential population must be seen in light of the balance in serving existing needs and existing residents and providing even more housing for a narrow section of the population who already have multiple choices. It is inappropriate to "find" that the addition would not be substantial in the context of San Francisco and its downtown.

Page 201 - Regional Plans and growth - ABAG has housing goals for San Francisco as well as regional projections for job growth. Infill housing CANNOT be just high-end housing and meet San Francisco's housing goals as set out in the RHNA goals. The major land available to develop new housing is in the South of Market and greater downtown. By focusing on "smart growth" and "transit-oriented development" while completely ignoring the gross imbalance in the production of housing by needed categories guts any hope for balanced communities. If working people in San Francisco are displaced because the vast majority of our land is being dedicated to a small part of the workforce, ultimately those who run the City, provide services, serve the tourist industry will continue to be forced out of the City, many into places without decent transit. This is neither "smart growth" nor "transit-oriented development." Hitting our HOUSING GOALS BY AFFORDABILITY LEVEL MORE IMPORTANT TO THE ECONOMIC AND SOCIAL HEALTH OF SAN FRANCISCO THAN ACCOMMODATING MORE OFFICE WORKERS. We already have a glut of space for the latter and an identified need for the former.

Page 202 - PH-2 Finding that the Plan would not displace a large number of people and their housing. IF all of the housing, or a major portion of it, is the usual high-end condos, as discussed above, this will mean gentrification and pushing out middle income San Francisco workers. This is a Significant Impact.

Page 202 fn 119 - Golden Gate University. There appears to have been no discussion directly with Golden Gate in 2 ½ years about whether they are still interested in a proposal to tear down their building to build a new school. The referenced article is based on PRE-ECONOMIC CRASH discussions in 2008, updated with further thoughts in mid-2009. There have been a lot of economic changes in the US economy since 2008. Has anyone talked to GGU about this recently? Have they reviewed the information in the DEIR, including the shadows impacts that would be cast by a building on their height?

Page 203 - SF Housing Supply. This Section appears to conclude that the housing demands from the office space allowed would be "covered" by the payments into the Jobs Housing Linkage Program. This is a gross misunderstanding of the JHLP. That fund only pays PART of the cost to provide additional housing. San Francisco housing non-profits currently have sites but NO MONEY (which comes from various government agencies) to build already approved housing. Money flowing from commercial projects only pays a portion of the cost of providing new housing. San Francisco is already in a hole on being able to construct needed housing. Perhaps it would be good to consult with the Mayor's Office of Housing on this section.

Page 205 - conclusion on housing. The summary here - that the Plan would provide for additional housing is grossly insufficient. The increased heights for HOUSING PROJECTS allows for **very upper end** housing -

Palace Hotel	300' to 600' - for 449 DU
Golden Gate Univ	550 to 700 ' - for 104 DU
41 Tehama	200' to 400' - for 276 DU
191 Fremont	350' to 700' - for 61 DU
50 1st St	550' to 850' - for 165 DU
350 Mission	550' to 700' - for 67 DU
Parcel F	450' to 750' - for 96 DU
543 Howard	85' no change - for 58 DU
176 2nd St	150' no change - for 22 DU

Producing the above housing will exacerbate new housing skeweing to meet an even higher percent of upper income residents.

The DEIR acknowledges that some of these units would be "second homes." This WOULD HAVE an impact on the housing market since the units would not be available to people who need a primary residence.

Providing "additional housing" independently of addressing the NEED for housing at the level of need set out in the RHNA indeed worsens housing balance BECAUSE OF THE LIMITED SUPPLY OF LAND and finite resources to produce needed housing.

IT IS INAPPROPRIATE TO FIND THAT THERE IS NO MITIGATION REQUIRED FOR HOUSING NEEDS BECAUSE THE SUPPLY OF HOUSING WILL NOT BE AFFECTED.

It is further not supported by evidence that the project would not contribute to a substantial growth in population or displace a large number of residents who would be without the resources to compete with the new residents for housing they can afford.

The combination of SHADOW AND FOG - CLIMATE - is totally ignored. San Francisco has a setting where WIND coming in at the same time an area is in SHADOW makes the CLIMATE miserable for those affected. San Francisco needs to address our unique setting where shadows in the summer do not give respite from heat, but can chill one to the bone and make things quite unpleasant. The failure to even STATE that is hard to understand. This affects "comfort levels."

Continued reliance SOLELY on a wind tunnel, which does not factor in shadows and reduced temperatures is not adequate for San Francisco. Particularly when the setting is not super highrise buildings.

SHADOWS

As is set out on page 3, Prop K was adopted BY THE VOTERS OF SAN FRANCISCO and can only be amended BY THE VOTERS OF SAN FRANCISCO. The Rec Park Commission and the Planning Commission cannot amend the shadow limitations of Prop K.

It is extremely hard to find/figure out the findings/recommendations for Impact SH-1 Which is found to be significant and unavoidable.

Page 470 - What is the justification for ANY increased shadow on Union Square from the **Palace Hotel** tower? That project is not necessary to fund a transit station. The shadow and wind impacts cause problems without ANY redeeming justification for the increased height. This is ONE HOUR A DAY FOR UP TO 6 MONTHS.

Shadow diagrams - 474 - 507. It would be helpful if there was a key identifying BY NAME the buildings that cast shadows on ANY PARK.

Page 509 - What justification is there for ANY increased shadow on **Union Square** from **50 1st Street, 181 Fremont Street, Golden Gate University**? This is a violation of Prop K.

The explanation of shadow changes on **Union Square** needs clarification. Peter Bosselmann from UC Berkeley was involved in the Macy's and related billboard cases after the work was complete defining the amount of shadow cast at the time Prop K passed. Whoever wrote this section needs to rewrite it for clarity. There were other shadow allocations tied to billboards that have been omitted.

It is inappropriate to "weigh" shadow by time of day. Prop K allowed shadows one hour after sunrise and one hour before sunset. September and April are months when the City generally has nice weather. It is not the Commission's role/power to say that increased shadows are just fine. The rules for limits were established DECADES ago.

Page 510 - Portsmouth Square - this was the second sensitive park that triggered passage of Prop K. It is a heavily use park ALL DAY LONG. Measuring sunlight in the context of the total number of sunlight over the entire year is not appropriate at THIS POINT. It was when the original analysis was done to establish how much was in sun/shadow when Prop K passed. This park has an absolute CUMULATIVE LIMIT of -0-. ZERO is ZERO, not 0.24% new shadow. The same holds true for Union Square.

Page 511 - 512 - 514 - please label each building's shadows

Remaining shadows - St Mary's Square, Justin Heman Plaza, Willie Wong Playground - same issue as above regarding the ability to change a VOTER ADOPTED LIMIT without going to the ballot.

For Willie Wong Playground (formerly Chinese Playground) - this is the ONLY Rec Park public tennis court serving Chinatown and a basketball court. Please describe the activities that will be In shadow. THIS PLAYGROUND was one of the ones that triggered passage of Prop K because a planned development was going to cast this into SUBSTANTIAL shadow.

Pass thru shadow issue -

There is not enough information in the DEIR to allow informed comment on this issue.

The structure of this section makes it hard to determine where one topic ends and another begins.

Page 520 - the first full paragraph appears to be a major policy change and should be labeled to draw attention to itself. SFRG does not agree that the Planning Commission and Rec Park have POWER to amend a vote of the citizens of San Francisco. These are SIGNIFICANT and UNAVOIDABLE IMPACTS and cannot be defined away.

Re **non-Prop K shadows** - which CEQA governs as well. Under PLANNING CODE policies, shadows on public sidewalks, particularly those around parks should be thought thru carefully. Often the "best" way to use a park is to walk by it. That means on the sidewalk. Shadowing the sidewalk, particularly if it is windy out, may make it less desirable. Rincon Park is a resource for this area and should be protected.

The hypocrisy of the Downtown Plan and this proposed plan is seen in how they "create" parks and open spaces, then fail to protect them from shadows that would make them unpleasant. **Page 525** discussion of the City Park to be built with the Transit Tower falls exactly into that category.

Respectfully submitted,

Sue C. Hestor

cc: Brad Paul
Bill Maher
Ian Lewis

SUE C. HESTOR
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August 19, 2008

Sarah B Jones
Planning Department
1650 Mission St 4th fl
San Francisco CA 94103

2007.0558E & 2008.0789E - Transit Center District Plan & Transit Tower - EIR scoping

Dear Ms. Jones:

I have the following comments on the scope of the above EIR.

Visual Quality
The term "a *handful* of very tall towers" is loaded terminology. What are "very tall" towers, in the context of San Francisco? Please set out on maps, the heights allowed by the Downtown Plan. Sequential mapping would be helpful. Then add the various Rincon Hill plans. Plus the towers permitted/encouraged in the Market/Octavia Plan. And any other plans or "spot zoning" adopted since the Downtown Plan

The Urban Design context should show how the City relates to the Bay. Which means that views that will be seen coming across the Bay Bridge (not birds eye perspectives) both before and after the new towers should be shown. Can the mid-SF hills be seen? The obverse is also important. Perspectives viewed at Upper Market (NOT THE SAME AS TWIN PEAKS TOURIST PERSPECTIVE) and Dolores Park should be provided. Please explain the extent that these new towers "fill in" and obstruct public views of the City and the Bay.

A similar perspective should be provided from the south, e.g. Hwy 280 and from Potrero Hill.

If you are discarding Urban Design Plan policies for Downtown, just ADMIT IT. That Plan called for VISUAL CONNECTIONS between the middle of the City and the Bay. Not a wall of buildings that requires a person to be IN those buildings to see the Bay. Where in the Urban Design Plan does it call for the creation of a new "downtown hill." Also, please discuss that policy in light of the Downtown Plan, which did not try to create such an artificial "hill."

Climate

Analysis should include a combination of shadow, wind and **FOG**. Both project specific and cumulative effects must be analyzed. How pleasant will pedestrian conditions and "seated" conditions be on sidewalks, major intersections, and on existing open spaces, whether or not under the jurisdiction of Rec Park. Please show the extent of the shadows. How far away will the shadows fall? How many hundred feet? Conditions in shadow when the fog starts coming in can be very unpleasant for people walking.

Proposition K is much too limited in scope. CEQA is not tied to that narrow an interpretation of shadows. Sunshine is integral to an analysis of climate and how attractive the streets are to pedestrians. SIDEWALKS need sun, not just a few Rec Park facilities.

Analysis of what creates a pleasant walking environment - scale, sun, wind level, ground level amenities - should be included. Will there be a REQUIREMENT that building owners must have occupied retail spaces?

Housing - by income levels

Provide the "market" aimed for in proposed housing. Housing can be for (a) people who work in Downtown San Francisco, (b) people who live in this area but who work and commute out of San Francisco, or (c) people who buy the housing as A residence, but not their primary residence. (The Assessor's records show what percent of owners of DT housing claim a Homeowners exemption.) Those who both live and work downtown can walk or take Muni to work. Those who commute out of SF put demands on either roadways or regional transit. Those who only occasionally reside in SF will not support neighborhood retail and similar residential services.

Population

Please set out the economic levels of people who will be expected to be housed in these "new" downtown highrises. To date projects do NOT include on-site affordable housing. Is this to be a concentrated area of upscale housing? San Francisco has a substantial shortage of housing affordable to our work force/residents. The current need is for 64% of new housing at low to moderate income levels. Please compare to what will be provided in these high-rise projects.

Past projections of growth

Please review the projections in the Downtown Plan of the amount of space needed and the pace it which it will be needed. How accurate were those projections? What factors were not anticipated in those projections?

Also, the Downtown Plan required ground-floor retail in new construction. Many of those spaces were vacant for MANY years. Please discuss how "planning" for a use doesn't make it magically appear.

Seismic

Explain the Codes to which these highrise towers are constructed. If they are designed to stand during a severe earthquake, but shed their "skin" please explain the extent of piles of "off-loaded" material and how this could affect emergency vehicles. Where will the occupants/residents be given shelter?

Will the buildings be built to a code that will allow them to be reoccupied - immediately or after repair? Or will they be to a standard that allows people to vacate them safely?

Please also discuss this in a cumulative context.

What seismically active highrise zones are we modeling our codes after? What experience do they have going thru an earthquake at the level SF "expects." Do they assume buildings built to lot-line, or with substantial setbacks?

Please include a map showing the historic shoreline and bay fill in this area. Where is there tidal action under filled lots? Please explain how rising bay levels could affect the water table and seismic stability.

No Project Alternative and EXCEPTIONS

The Downtown Plan set up a system of EXCEPTIONS to the Code. They include exceptions for winds, for bulk, for height (up to 10% of height), for dwelling unit exposure, and for many other things. Please quantify the number of exceptions asked for, compared to those actually GRANTED, for each possible exception. It appears that, as housing has started to be constructed, projects generally ask for dwelling unit exposure exceptions. Is the City allowing/encouraging housing with sub-standards exposure for dwelling units? How does this affect light and air into this housing?

Please explain how difficult has it been for a developer to get a determination that his project has "superior design" and warrants exceptions for such things as height and bulk.

Streets and circulation

The Downtown Plan analysis assumed away many traffic problems, including traffic (people are going to increasingly take transit) and Bay Bridge capacity (cars will travel much closer together at higher speeds - so the "rush period" doesn't go on for hours and hours).

MEA generally assumes away reverse commute issues - particularly in AUTOS - by (a) refusing to gather information on who is buying these units and where do they work, and (b) presuming that people will not drive even if they live near a freeway entrance and have a parking place. Please correct this "methodology." Please do not insult our intelligence by assuming that people with parking spaces in their building will not drive to their well-paying jobs in Silicon Valley.

This should/could be an interesting EIR.

Respectfully submitted,

Sue C. Hestor

Application to Request a
Board of Supervisors Appeal Fee Waiver

CASE NUMBER: For Staff Use only

APPLICATION FOR
Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Sue Hestor	
APPLICANT ADDRESS: 870 Market Street #1128, SF 94102	TELEPHONE: (415) 826-1021 EMAIL: hestor@earthlink.net
NEIGHBORHOOD ORGANIZATION NAME: San Franciscans for Reasonable Growth	
NEIGHBORHOOD ORGANIZATION ADDRESS: c/o Sue Hestor, 870 Market Street #1128, SF 94102 AND c/o Georgia Brittan, 460 Duncan, SF 94131	TELEPHONE: (415) 826-1021 EMAIL: hestor@earthlink.net
PROJECT ADDRESS: Transit Center District Plan and Transit Tower	

PLANNING CASE NO.:	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):
2007.0558E & 2008.0789E	none	May 24, 2012

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

☒ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.

☒ The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.

☒ The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.

☒ The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

San Franciscans for Reasonable Growth "criteria for granting waiver"

Sue Hestor has been the attorney for and authorized to act on behalf of SFRG since it was first organized.

SFRG has been on the Planning Department list of community organizations since 1979l It is on that list via both Sue Hestor (870 Market St #1128) and Georgia Brittan (460 Duncan)

SFRG was organized in 1979 to deal with downtown development issues and has been consistently involved in those issues for over 30 years.

Downtown development affects ALL of the City and the region. PERIOD.

SAN FRANCISCO
PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
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MEMO

APPEAL OF EIR CERTIFICATION
Transit Center District Plan and Transit Tower

1650 Mission St.
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DATE:	July 2, 2012
TO:	President David Chiu and Members of the Board of Supervisors
FROM:	Bill Wycko, Environmental Review Officer – (415) 575-9048 Sarah B. Jones, Case Planner – (415) 575-9034
RE:	File No. 120696, Planning Department Case Nos. 2007.0558E and 2008.0789E: Appeal of Environmental Impact Report Certification for the Transit Center District Plan and Transit Tower project
PROJECT SPONSORS:	**Transit Center District Plan:** San Francisco Planning Department **Transit Tower:** Transbay Joint Powers Authority
APPELLANT:	**Sue C. Hestor, on behalf of Save Our Parks Sunlight Coalition**
HEARING DATE:	July 10, 2012
ATTACHMENTS:	A: Appeal Letter Dated June 3, 2012 B: Planning Commission Certification Motion No. 18628 C: June 1989 City Attorney's Opinion regarding Proposition K

INTRODUCTION

This memorandum and the attached documents comprise a response ("Appeal Response") to a letter of appeal ("Appeal Letter"; Attachment A) submitted on June 13, 2012, by the Appellant to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") certification of an Environmental Impact Report ("EIR") under the California Environmental Quality Act ("CEQA Determination"; Attachment B) for the proposed Transit Center District Plan and Transit Tower project (the "proposed project").

As noted, the Appeal Letter is included with this Memorandum as Attachment A, and the Planning Commission's motion certifying the Final EIR ("FEIR") is included as Attachment B. The FEIR, which consists of the Draft Environmental Impact Report ("DEIR") and the Comments and Responses document ("C&R"), were provided to the Clerk of the Board under separate cover on June 22, 2012.

The Planning Department (the "Department"), pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the *San Francisco Administrative Code*, presented a final environmental impact report ("FEIR") for the proposed project for certification by the Commission. On May 24, 2012, the Commission certified the EIR, finding that the FEIR was adequate, accurate and fulfilled the City's requirements pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the *San Francisco Administrative Code*. The Commission also adopted

CEQA Findings, including a Statement of Overriding Considerations, prior to approving a series of actions concerning the Transit Center District Plan. These included:

- a resolution to adopt amendments to the *San Francisco General Plan* pursuant to the adoption of the Transit Center District Plan;
- a resolution to adopt amendments to the *San Francisco Planning Code* to incorporate amendments pursuant to the adoption of the Transit Center District Plan and recommending to the Historic Preservation Commission the adoption of amendments to *Planning Code* Article 11 and various appendices;
- a resolution recommending to the Historic Preservation Commission the adoption of amendments to *Planning Code* Article 11 and various appendices related to a boundary change to expand the New Montgomery-Second Street Conservation District to include an additional twenty-six (26) properties, and change of name to the New Montgomery-Mission-Second Street Conservation District, as part of the Transit Center District Plan, and making findings under the California Environmental Quality Act
- a resolution adopting amendments to the San Francisco Zoning Maps pursuant to the adoption of the Transit Center District Plan;
- a resolution recommending to the Board amendments to the *San Francisco Administrative Code* pursuant to the adoption of the Transit Center District Plan; and
- a resolution recommending to the Board approval of the Transit Center District Plan program implementation document.

The EIR analyzes potential environmental effects associated with the Transit Center District Plan (which includes development on the Transit Tower site) at aprogrammatic level, and analyzes impacts of the Transit Tower at a more refined, project-specific level. Thus, the EIR is both a "program level" EIR for the Transit Center District Plan and a "project-level" EIR for the Transit Tower. Pursuant to CEQA Guidelines Section 15168, a program EIR may be prepared for a series of actions that can be characterized as one large project, related, as in this case, geographically; as logical parts in a chain of contemplated actions; and in connection with the issuance of rules, regulations, plans and other general criteria to govern the conduct of a continuing program. No actions have been taken by the Commission with respect to approval of the Transit Tower.

The decision before the Board is whether to uphold the Commission's decision to certify the EIR and deny the appeal, or to overturn the Commission's decision to certify the EIR, and return the proposed project to the Department for staff to conduct additional environmental review.

PROJECT DESCRIPTION

Transit Center District Plan

The Transit Center District Plan ("Plan") area comprises approximately 145 acres in the southern portion of the downtown Financial District, roughly bounded by Market Street, Steuart Street, Folsom Street, and a line to the east of Third Street. The Plan area is centered on the site of the former Transbay Terminal, which was demolished in 2010, to be replaced by the Transbay Transit Center now under construction.

Currently, the Plan area includes several use districts: Downtown Office (C-3-O), Downtown Office (Special Development) (C-3-O (SD)), Downtown Support (C-3-S), Transbay Downtown Residential (TB-

DTR), and Public (P), the last one primarily encompassing the site of the former Transbay Terminal and its ramps. The draft Plan proposes to rezone nearly the entirety of the Plan area to C-3-O (SD). The Plan also sets forth policies and land use controls in six major categories:

- **Land Use:** The Plan includes land use strategies to ensure a sufficient supply of office space in the downtown core, including elimination of the maximum 18:1 floor area ration (FAR) and establishment of limits on allowable non-office development in portions of the Plan area closest to the Transbay Transit Center and Market Street.
- **Urban Form:** Increased height limits are incorporated into the Plan for the purpose of shaping the City's skyline. The Transit Tower site is proposed for rezoning to a height limit of 1,000 feet, allowing for construction of San Francisco's tallest building. Other height limit increases are also proposed with the intent of enabling a skyline that steps down from the Transit Tower apex.
- **Public Realm:** The Plan emphasizes the pedestrian environment by widening and improving sidewalks, including landscaping and street furniture installation; eliminating some on-street parking; adding sidewalk bulb-outs; creating "linear plazas" along Beale, Main, and Spear Streets; restricting curb cuts on some streets; and improving mid-block pedestrian access, An additional site for public open space is identified, with a connection to the proposed 5.4-acre "City Park" on top of the Transit Center.
- **Moving About:** The Plan seeks to manage vehicular traffic and to enhance transit, pedestrian, and bicycle travel, attempting, in particular, to discourage traffic—especially regional traffic that passes through the District to and from the Bay Bridge. These goals would be accomplished through sidewalk widening and improvement, parking restrictions, street reconfiguration, and transit and bicycle lanes.
- **Historic Preservation:** The Plan would expand and rename the "New Montgomery–Mission–Second Street Conservation District," along both sides of Mission Street between New Montgomery and Third Streets extending westward on Howard Street to approximately Kaplan Lane and on Natoma Street to Hunt Street. Additionally, the Plan calls for modifications to the list of individual resources in the District, and proposes policies and *Planning Code* revisions concerning transferrable development rights (TDR) that would allow increased flexibility in the application of preservation incentives.
- **District Sustainability:** The Plan identifies policies for increased LEED requirement and water conservation, and recommends consideration of a shared district-wide cogeneration plant.

The draft Plan also discusses a variety of financing mechanisms for improvements within the Plan area. These mechanisms would not in themselves result in physical impacts, but the physical changes that could occur with the additional financing, such as implementation of the public realm plan, are addressed throughout the EIR.

Transit Tower

The Transit Tower is proposed as a 61-story, approximately 1,070-foot-tall office building with approximately 1.35 million square feet of office space and about 20,000 square feet of retail space on the northern third of the block bounded by First, Mission, Fremont, and Howard Streets (Block 3720 Lot 009). The project site is approximately 50,000 square feet in size and the building would be built on a roughly square footprint of about 26,000 square feet.

The building would have retail space and a lobby on the ground floor, additional retail space on a portion of the fourth floor (connected by a footbridge to the planned City Park), and 58 floors of office space, along with two mechanical floors. The Tower would have three basement levels beneath the entire footprint of the building as well as the Mission Square open space along Fremont Street, and a partial fourth basement, with excavation to a depth of approximately 60 feet below grade, involving removal of approximately 110,000 cubic yards of soil. Up to approximately 302 independently accessible parking spaces would be provided in the basement, and a total of about 480 vehicles could be accommodated with valet operations, plus six freight loading spaces and 225 bicycle parking spaces. The building would have a concrete slab foundation supported by driven piles anticipated to be founded on bedrock more than 200 feet below grade.

The Transbay Joint Powers Authority (TJPA), which owns the site, has entered into an Exclusive Negotiations Agreement with the selected developer, Hines Transbay Tower LLC, with the intent—assuming successful completion of negotiations—of selling the site to the developer, which would develop the tower. Proceeds from the sale would then help fund the Transit Center project.

The Transit Tower is proposed to have concave curved exterior walls on all four sides, which would taper as the building rises, beginning at a height of about 380 feet. The 172-foot horizontal dimension along each side of the ground floor would be reduced to about 138 feet at the building roof (920 feet). Atop the building would be a lattice-like steel sculptural element 150 feet tall, which would continue the building's tapering shape up to a total height of about 1,070 feet. The horizontal dimension at the top of this element would be approximately 89 feet.

The Transit Tower site currently is in a P (Public) use district. The project's office and retail uses would not be permitted in the P zoning district and an amendment to the zoning map (rezoning) to a Downtown Office (C-3-O (SD)) zoning district would be required as part of the project approval; this change is proposed as part of the draft Plan. The Transit Tower project site is also within a 30-X height and bulk district, which limits height to 30 feet but has no bulk limit. Amendment of the height and bulk districts (rezoning) would also be required for the Transit Tower site as part of the project approval, and is proposed as part of the draft Plan. Because the draft Plan proposes to eliminate the existing FAR restrictions and to rezone the Transit Tower site to C-3-O (SD), no conflict would exist with respect to the building's proposed 26:1 FAR. This rezoning would occur through the Transit Center District Plan adoption process. Other project-specific approvals necessary for the Transit Tower are not proposed or under consideration at this time; the EIR provided project-level environmental review of the Tower, but the necessary permits have not yet undergone consideration by the Planning Commission.

APPELLANTS' ISSUES AND PLANNING DEPARTMENT RESPONSES

The Appellant's concerns fall into three general categories: 1) shadow impacts, including the discussion of *Planning Code* Section 295, the Sunlight Ordinance; 2) City policy on urban design; and 3) affordable

housing. The Appellant's concerns are stated as excerpts from the Appeal Letter, and each concern is followed by the Department's response to that concern. The full text of the Appellant's letter of appeal is provided in Attachment A to this document.

In the Appeal Letter, the Appellant states a general opinion that the EIR is deficient with regard to certain topics, but does not provide evidence or argument to support such claims. Further, the Department finds that the concerns stated by the Appellant do not raise any issues not already addressed in the DEIR and C&R. The Department's responses rely on summary text from the full CEQA record, which includes the Draft EIR, C&R, and background studies, as appropriate.

Issue 1: Shadow.

Concerns: "The issues that were inadequately addressed in the DEIR include, but are not limited to, the following: Understatement of the shadow impacts on parks under the protection of Proposition K, specifically including but not limited to Portsmouth Square and Union Square; [and] Understatement of the shadow impacts on public spaces, including protected sidewalks, other than parks protected by Proposition K."

Response 1: The EIR contains a lengthy analysis of shadow impacts within the Plan area collectively and from the proposed Transit Tower individually. Moreover, the EIR concludes that shadow impacts of both the Transit Center District Plan and the Transit Tower would be significant and unavoidable. The EIR does not understate the shadow impacts of the Project.

The Appellant provides no evidence to support the concerns expressed in the Appeal Letter. The analysis of shadow impacts in EIR Section IV.J entails 62 pages of text and graphics. It provides a comprehensive analysis of shadow impacts of development that could occur pursuant to the Transit Center District Plan, and includes a detailed, park-by-park quantification of shadow that would be cast by the proposed Transit Tower.

With respect to City parks, the EIR analyzes impacts on all Recreation and Park Department properties that could be affected by development built consistent with the Plan: Union Square, St. Mary's Square, Portsmouth Square, Justin Herman Plaza, Willie "Woo Woo" Wong Playground (formerly Chinese Playground), Maritime Plaza, Woh Hei Yuen Park, Chinese Recreation Center, and Boeddeker Park. Specifically concerning Union Square, the EIR finds that new shadow would be cast on Union Square by development on up to five opportunity sites in the Plan area (including the Transit Tower) for a maximum of 90 minutes of new shadow per day between mid-March and last September. All of the new shadow would be cast in the early morning, before 9:00 a.m., when Union Square is generally not heavily used.

At Portsmouth Square, the EIR finds that the Transit Tower and a proposed project at 50 First Street would add new shadow, also for up to about one hour, between late October and mid-February, also ending by 9:00 a.m. The EIR, on p. 519, notes that Portsmouth Square is located at the eastern edge of Chinatown, a very dense residential neighborhood, and is relatively heavily used even between 8:00 a.m. and 9:00 a.m., when new shadow from Plan area buildings would fall on the park. Much of the activity in Portsmouth Square at this time of day consists of individuals, many elderly, exercising. In the Comments and Responses document, the EIR notes that, at Portsmouth Square, along with St. Mary's Square and Willie "Woo Woo" Wong Playground, observations indicate that many people engaging in early morning exercise in this parks currently do so in areas of the parks that are completely shaded, and therefore, the

additional shadow from Plan area buildings is not expected to substantially change the conditions under which this activity occurs.

The EIR analyzes non-Section 295 public open spaces that would be affected, including Rincon Park along the Embarcadero, Ferry Plaza, Herb Caen Way (the pedestrian promenade along the Embarcadero), Mechanics Plaza, and Yerba Buena Gardens. It also analyzes shading of various privately owned, publicly accessible open spaces (POPOS), and describes shading of sidewalks, including those subject to *Planning Code* Section 146(a).

Based on this comprehensive analysis, the EIR concludes on p. 520 that shadow impacts from the Plan and the Transit Tower would result in significant and unavoidable shadow impacts.

It should be noted that the fact that the EIR finds that the combined effects of all foreseeable development in the Plan area would result in a significant unavoidable impact with respect to shadow does not necessarily mean that any or all individual subsequent development projects would have a significant impact under CEQA with respect to shadow. Rather, as stated in the EIR, the effects of individual projects would be considered as part of each project's environmental review under CEQA.

In summary, there is no justification for the concern that the EIR is inadequate in its analysis of shadow impacts.

Issue 2: "Sunlight Ordinance"

Concern: "The issues that were inadequately addressed in the DEIR include, but are not limited to, … Misapplication of the LAW adopted by San Francisco voters in assuming that the LAW may be amended or interpreted away so as to permit shadows on parks which are protected by Proposition K."

Response 2: The Appellant provides no evidences to support the concern expressed in the Appeal Letter. Application of *Planning Code* Section 295, the Sunlight Ordinance, as enacted by the voters in 1984 with the passage of Proposition K, is not a CEQA issue, but was thoroughly and accurately discussed in the EIR.

As stated in the Comments and Responses document on p. C&R-84, in the response to Comment SH-3, this concern "raises a policy issue regarding the implementation of Proposition K and Section 295 of the *Planning Code*. The EIR evaluates the physical impacts of development that could occur pursuant to the draft Plan, including the shadow impacts of such development, and finds that if this development were to occur the shadow impacts would impair the use and enjoyment of public spaces and would therefore result in a significant impact. The ability of the Planning Commission and Recreation and Park Commission to change the Absolute Cumulative Limit on affected parks has no bearing on the analysis of physical effects of shadow." That is, the EIR, as a document prepared pursuant to CEQA, is concerned with physical effects on the environment, including the shadow cast by new buildings. According to the CEQA Guidelines, the EIR must disclose these significant impacts, and identify mitigation where feasible, before a project may be considered for approval.

Section 295 of the *Planning Code*, however, is concerned with the consideration of a building project for approval, not adoption of a General Plan amendment and any associated Planning Code changes. The language of Section 295 states that the Planning Commission "shall disapprove the issuance of any

building permit governed by the provisions of this Section if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant."[1] Under CEQA, however, even if a project is found to result in a significant unavoidable shadow impact, the project may still be approved if the Planning Commission (or other decision-making body considering a project) makes a "finding of overriding considerations," that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment" (CEQA Section 21081(b)).

In terms of the process by which Section 295 is applied, Section 295(c) states, "The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this Section." As explained on EIR p. 468, in 1989, the two commissions held a joint hearing at which they adopted quantitative shadow criteria for 14 downtown parks, including an "Absolute Cumulative Limit," which specifies the amount of new shadow permitted on each open space, measured in terms of shadow-foot-hours.[2] (The 14 downtown parks were selected because they were located in an area where surrounding or nearby height limits were great enough that these parks were thought to be subject to the greatest potential for new shading from development.) The two commissions also adopted qualitative criteria for assessing new shadow. The qualitative criteria considered the value of sunlight on each open space (by time of day and time of year); the size, duration, and location of the shadow; and, in at least one instance, the public good served by the building that would cast shadow: the staff memorandum made reference to the New Main Library, proposed at the time opposite Civic Center Plaza, noting, "If the new building could not cast shadows, the ability to use the site for the library would be severely limited. Most of the Civic Center Plaza shadow "budget" could perhaps be allocated to be used by this library."

The Absolute Cumulative Limit adopted by the two commissions for each of the 14 parks sets forth the only numerical standards for evaluation of shadow impacts. There are no quantitative standards contained within the text of Section 295 itself; as noted previously, Section 295(c) left the development of criteria for evaluation of shadows to the implementing commissions in their joint administration.

The EIR further explains that, in establishing the Absolute Cumulative Limits for the 14 downtown parks, the Planning and Recreation and Park Commissions generally relied upon the following guidelines set forth in a 1989 staff memorandum:

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1 The measure passed by the voters, codified as Section 295, specifically prohibited shadow impacts that are both "significant" and "adverse." The interpretation of these qualitative terms was left to the Planning and Recreation and Park Commissions, which subsequently adopted quantitative limits and qualitative criteria for certain parks. It is noted that the use of the word "insignificant" in Section 295 is different than the use of "significant" as it is applied to the determination of the severity of effects (impacts) under CEQA. The state CEQA Guidelines define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project...." (CEQA Guidelines Section 15382). Under *Planning Code* Section 295, however, the term "insignificant" is not defined, and thus it is used in the common sense of the word; that is, lacking import, not worth considering, or small (www.merriam-webster.com).

2 A shadow-foot-hour represents one hour of shade on one square foot of ground. Shadow calculations also use the term square-foot-hour of sunlight, which is one hour of sunlight on one square foot of ground.

- For smaller parks (of less than two acres) on which more than 20 percent of the potential "Prop. K" sunlight was in shadow under then-existing conditions, no additional shadow was to be permitted. Nine downtown parks fit this category.
- For larger parks (of two acres or more) with between 20 percent and 40 percent existing shadow, the Absolute Cumulative Limit was to be set at 0.1 percent; that is, an additional 0.1 percent new shadow, measured in shadow-foot-hours, would be permitted beyond existing conditions.[3] The increment permitted as the Absolute Cumulative Limit—0.1 percent, in this case—is measured as a percentage of the theoretical annual available sunlight.[4]
- For larger parks shadowed less than 20 percent of the time,[5] an additional 1.0 percent new shadow was to be permitted.[6] No guideline was provided for parks of less than two acres that have less than 20 percent existing shadow.[7]

Following the above guidelines, staff recommended, and the commissions adopted, an Absolute Cumulative Limit of zero for 11 of the 14 parks.[8] As noted, Union Square and Justin Herman Plaza were assigned an Absolute Cumulative Limit of 0.1 percent, while Civic Center was assigned a shadow budget of 1.0 percent.

Parks for which no specific criteria were established by the two commissions in 1989 are normally evaluated on a case-by-case basis, generally with reference to the guidelines set forth in a staff memo.

As explained in EIR Section IV.J, Shadow, the quantitative criteria assigned to some of the 14 parks have, on occasion, been adjusted by joint action of the Planning and Recreation and Park Commissions, as the quantitative limits were not imposed by Proposition K but rather by the Commissions in interpreting the qualitative directive from the voters. Specifically, the Absolute Cumulative Limit has been increased three times for Boeddeker Park, to accommodate the Emporium/Bloomingdales project (amendment to the Yerba Buena Center Redevelopment Project, for which the ACL was increased from 0.0%to 0.007%); the Tenderloin Neighborhood Development Center (TNDC) Curran House residential project at 145 Taylor Street (0.087%); and, most recently, in 2009, the TNDC Eddy & Jones Family Housing Project (0.244%). This latter project has not yet been constructed. In 1999, the Absolute Cumulative was increased for Civic

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3 This criterion applied to Union Square and Embarcadero Plaza II (Justin Herman Plaza).

4 The theoretical annual available sunlight is the amount of sunlight, measured in square-foot-hours, that would fall on a given park during the hours covered by Section 295. It is computed by multiplying the area of the park by 3,721.4, which is the number of hours in the year subject to Section 295. Thus, this quantity is not affected by shadow cast by existing buildings, but instead represents the amount of sunlight that would be available with no buildings in place. Theoretical annual available sunlight calculations for each downtown park were used by the Planning and Recreation and Park Commissions in establishing the allowable Absolute Cumulative Limit for downtown parks in 1989.

5 Civic Center Plaza was the only park in this category.

6 The guidelines for new shadow were presented in a memorandum to the Planning and Recreation and Parks Commissions, from their staffs, dated February 3, 1989, and referred to in Joint Resolution 11595 of the two commissions, adopted February 7, 1989. The Commission's' joint resolution and this memorandum are incorporated herein by reference.

7 None of the 14 downtown parks for which Absolute Cumulative Limits were established met these criteria.

8 Two of the parks that were given a shadow "budget" of zero—Washington Square Park and North Beach (now Joe DiMaggio) Playground—were larger parks with existing shadow of between 20 and 40 percent, but were given zero budgets because surrounding height limits precluded new shadow.

Center Plaza, which would not be affected by Plan area buildings. Additionally, new shadow has been permitted—within the established Absolute Cumulative Limits—on Union Square and Justin Herman Plaza.

The commissions' adjustment of the Annual Cumulative Limit (quantitative criteria) and/or the qualitative shadow criteria is consistent with an opinion issued by the City Attorney's Office in June 1989, provided as Attachment C, which stated that "the authorization of the commissions to adopt criteria for the implementation of the provisions of the Sunlight Ordinance includes the power and the duty regularly to examine and where necessary to amend the criteria to ensure that the implementation of the Ordinance achieves its objectives" (City Attorney's Opinion [hereinafter, "Opinion"], p. 1). In reaching this conclusion, the City Attorney's Office noted that the language of Proposition K, subsequently codified as *Planning Code* Section 295, clearly stated that the Planning and Recreation and Park Commissions were to "adopt criteria for the implementation of the provisions of [the] ordinance...." The Opinion noted that neither the ordinance itself nor any of the ballot summaries and arguments addressed the question of subsequent amendment of the shadow criteria. Noting that the "administrative construction of a statute is entitled to great weight and a court will not substitute its judgment for that of an administrative agency if there appears to be a reasonable basis for the latter's construction," the City Attorney's Office next examined the minutes of the joint meeting of the two commissions, in February 1989, and concluded, "Clearly both members of the public and members of the commissions assumed that within the broad outlines of the enabling ordinance, the commissions were empowered to exercise their discretion in implementing it" (Opinion, p. 2).

The City Attorney's Opinion explained that a governing body's discretion entails review of all applicable criteria "in light of new information and experience," and noted that such discretion "would be meaningless if the commissions could not amend the criteria should they find such amendment necessary to secure the objectives of the Ordinance" (Opinion, p. 2). The Opinion further stated that government officials may generally exercise powers that are not only granted by a statute, but those that are "fairly implied" by it, and found that one of the powers so implied to the two commissions, acting in a "quasi-legislative capacity," was the "necessary power to evaluate on a continuing basis whether the criteria continue to be best suited to achieving the objectives of the Ordinance, in view of experience and new information" (Opinion, p. 3). Accordingly, the Opinion concluded thusly:

> The original, carefully considered, absolute cumulative limit and qualitative factors may prove sufficient. However, if new information and experience prove that the criteria are unnecessarily restrictive or are ineffective to protect parks and playgrounds from shadow and shading, then the commissions, as representatives of the people, have the implied necessary power and indeed a duty to change them. (Opinion, p. 4)

The EIR provides an extensive discussion of shadow issues relevant to the Plan.

Issue 3: Changes to City Policy with respect to Urban Design.

Concern: "The issues that were inadequately addressed in the DEIR include, but are not limited to, ... Inadequate explanation of [how] adopted policies on shaping the City regarding City form, building heights and how the City is seen are being changed."

Response 3: The Appellant provides no evidence to support the concern expressed in the Appeal Letter. The EIR includes an extensive discussion of the Plan in relation to the urban design policy

framework contained in the Urban Design Element of the *San Francisco General Plan*, as well as in the Downtown Plan, an area plan within the *General Plan*.

In its analysis of effects on the visual character of the Plan area (Impact AE-1, EIR p. 109), the EIR provides a narrative concerning the policy framework for Downtown San Francisco established by the Urban Design Element in 1971. The EIR then analyzes potential Project impacts in the context of the Urban Design Element's objectives and policies, as well as those of the Downtown Plan. In addition, in EIR Chapter III, Compatibility with Existing Zoning and Plans, the EIR discusses the history of exceptions granted to *Planning Code* provisions related to urban design, concerning building bulk and structures' wind and shadow impacts (EIR p. 70), which implement important portions of the Downtown Plan's urban design policy framework.

In terms of changes in City urban design policies proposed under the Transit Center District Plan, EIR Chapter II, Project Description, provides a thorough discussion. Under II.D, Project Components, p. 11, the EIR states for the proposed Plan objectives and policies and explicitly identifies proposed changes to the *Planning Code;* these latter changes are bulleted and called out in *italics* for ease of identification. Moreover, EIR Appendix A contains a full recitation of all objectives and policies in the Draft Plan that was published in November 2009 and that was the subject of the analysis in the Draft EIR.

Based on the policies contained in the Urban Design element of the General Plan, the EIR concluded that the Plan could have a significant impact on visual resources in its effect on views through Downtown to San Francisco Bay and the Bay Bridge.

The Comments and Responses document, beginning on p. C&R-4, sets forth the revisions in the Draft Plan made by Planning Department staff subsequent to publication of the Draft EIR, including specifying proposed revisions to the *Planning Code* (p. C&R-7). The Comments and Responses document also (p. C&R-8) analyzes the effects of the revisions to the Draft Plan (including proposed revisions to *Planning Code* changes) since publication of the Draft EIR, and concludes that the revisions would result in no new or substantially more severe impacts than those identified in the Draft EIR.

Issue 4: Affordable Housing.

Concern: "The issues that were inadequately addressed in the DEIR include, but are not limited to, ... Inadequate explanation of housing needs and what is actually being constructed."

Response 4: The Appellant provides no evidences to support the concern expressed in the Appeal Letter. Social issues are not considered physical impacts under CEQA, and therefore need not be analyzed in an EIR. The EIR does not identify a significant impact with respect to housing, based on the Planning Department's significance criteria, which are stated on EIR p. 196.

It is presumed that the Appellant's reference to "housing needs" refers principally to the lack of sufficient housing in San Francisco that is affordable to moderate- and lower-income persons.

Issues concerning housing affordability raised in the comment relate to socioeconomic concerns, not physical impacts that are the purview of CEQA review. Thus, housing affordability, in and of itself, is not germane under CEQA. In the interest of providing information to the reader, the EIR does include information on the City's housing production.

The EIR acknowledges the difficulty of providing for affordable housing in San Francisco and the consequent fact that "increasing the housing supply and making housing more affordable have been key concerns of the City's policy-makers for decades" (EIR p. 182). Despite the fact that "[o]ne-third of the new housing units added in San Francisco from 2005 – 2009 were affordable units, meaning the units are rented or owned at prices affordable to households with low or moderate incomes, ... San Francisco has not met the quantified housing goals established by the California Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG)" (EIR p. 182). As shown in Table 5 on EIR p. 183, the City realized 83 percent of the ABAG housing production goal for very-low-income units and just over half of the goal for low-income units. For units that are affordable to moderate-income households (at around 100 percent of median income), only 13 percent of the target was met.

In terms of housing that is being constructed in the Plan area, information on the types of housing units, size of residential buildings, and rent or purchase price of units is not necessary for analysis of the significant adverse physical environmental effects of the Plan. Nevertheless, in the Comments and Responses document, the EIR provides, for informational purposes, data on several recently developed residential projects in the Plan area (see Table C&R-1, p. C&R-45).

It is noted that the appropriate forum for a policy analysis and evaluation of the City's ability to meet its regional housing needs, including housing for low- and moderate-income persons, is not this EIR, or any other EIR, but rather the Housing Element of the *San Francisco General Plan* and the annual *Housing Inventory* reports prepared by the Planning Department. As stated in the *2011 Housing Inventory*, published in May 2012, "By monitoring changes in San Francisco's housing stock, the *Housing Inventory* provides a basis for evaluating the housing production goals and policies of the Housing Element of the *San Francisco General Plan*."[9] Additionally, the Mayor's Office of Housing periodically publishes a *Consolidated Plan*, which must be submitted every five years to the U.S. Department of Housing and Urban Development (HUD), concerning the City's affordable housing activities and its administration of HUD-funded and HUD-governed programs.[10]

For the purposes of CEQA, the Planning Department's significance criteria for housing ask whether the project would "[d]isplace a large number of people (involving either housing or employment)" or "[c]reate a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply." Because the EIR finds that the project would neither displace a large number of people (involving either housing or employment), or create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply, no significant impact was identified.

The State CEQA *Guidelines*, Section 15382, define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the

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9 San Francisco Planning Department, *San Francisco Housing Inventory 2011*, May 2012. Available on the internet at: http://www.sf-planning.org/ftp/files/publications_reports/2011_Housing_Inventory_Report.pdf. Reviewed June 22, 2012.

10 The City's *2010 – 2014 Five Year Consolidated Plan* is available on the internet at: http://sf-moh.org/Modules/ShowDocument.aspx?documentid=4605.

project...." In identifying the significant impacts of the project, the EIR analysis must identify a substantial and adverse physical change. Under CEQA, therefore, the mere fact that the project would induce substantial growth in population and employment cannot, in itself, be considered a physical change, much less an adverse change, and thus is not, in itself, a significant impact.

The EIR explains, on p. 201, that the "population and employment growth accommodated by the draft Plan, including the increment of new development allowed under the proposed rezoning, is incorporated in [the Association of Bay Area Governments' (ABAG's)] regional projections, which, since 2003, have been based on policy assumptions that include more infill and transit-oriented development, particularly around fixed transit stations." The reasoning behind ABAG's policy-driven regional growth forecasts is that more growth, and particularly more housing, built in existing urban areas, including Downtown San Francisco, would tend, among other things, to reduce emissions of both criteria air pollutants and greenhouse gases, by allowing for shorter commutes. The EIR explains that the Plan area is "a Priority Development Area (PDA) recognized by ABAG, [the Metropolitan Transportation Commission], and the [Bay Area Air Quality Management District]—an infill location served by transit—where compact land development is promoted and supported by investments in community improvements and infrastructure." And the EIR explains, on p. 201, why growth fostered in the Plan area would not result in significant impact:

> Planning for more intensive new development on the few remaining underutilized blocks in downtown San Francisco to accommodate more employment and population than would otherwise be the case is one of the means by which San Francisco and the region as a whole could potentially meet state mandates under SB 375 for a Sustainable Communities Strategy to reduce per-capita greenhouse-gas emissions. The long-term projections of city and regional population and employment growth are the basis for the housing, transportation, other infrastructure, and public services and utilities planning conducted at a city and regional level. They are also the basis for efforts to secure the funding and financial support essential to realizing this level of infill development. For these reasons, the growth induced by the proposed rezoning is not considered substantial or adverse.

CONCLUSION

The Appellant has not raised any new issues relative to CEQA review that were not previously addressed in the Draft EIR and/or in the Comments and Responses document, nor has the Appellant provided any substantial evidence to refute the conclusions of the Department with respect to the project's physical environmental effects under CEQA. The Department conducted an in-depth and thorough analysis of the proposed Transit Center District Plan and Transit Tower project pursuant to the CEQA Guidelines. The Appellant has not submitted any evidence that the Project would result in individual or cumulative impacts under CEQA not already discussed and analyzed in the EIR. For the reasons stated above and throughout the EIR, the Department finds that the EIR and Commission's certification of the EIR complies with the requirements of CEQA. For the reasons stated above the Commission's certification of the EIR complies with the requirements of CEQA, the CEQA Guidelines and Chapter 31 of the *San Francisco Administrative Code*. The Department, therefore, recommends that the Board uphold the Commission's decision to certify the EIR and deny the appeal.

ATTACHMENT A

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APPEAL OF FINAL EIR TRANSIT CENTER DISTRICT PLAN AND TRANSIT TOWER
2007.0558E and 2008.0789E
Planning Commission Motion 18628 - May 24, 2012

Save Our Parks Sunlight Coalition appeals Planning Commission Certification of the EIR for the Transit Center District Plan and Transit Tower. San Franciscans for Reasonable Growth is a member of that Coalition and submitted comments on both the scoping for the EIR (8/19/2008) and on the DEIR (11/28/2011) via its counsel, Sue Hestor.

The issues that were inadequately addressed in the DEIR include, but are not limited to, the following:

- Understatement of the shadow impacts on parks under the protection of Proposition K, specifically including but not limited to Portsmouth Square and Union Square.
- Understatement of the shadow impacts on public spaces, including protected sidewalks, other than parks protected by Proposition K.
- Misapplication of the LAW adopted by San Francisco voters in assuming that the LAW may be amended or interpreted away so as to permit shadows on parks which are protected by Proposition K.
- Inadequate explanation of adopted policies on shaping the City regarding City form, building heights and how the City is seen are being changed.
- Inadequate explanation of housing needs and what is actually being constructed.

Respectfully submitted,

Sue C. Hestor

cc: Sarah B. Jones

ATTACHMENT B

SAN FRANCISCO
PLANNING DEPARTMENT

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Planning Commission Motion 18628

Hearing Date:	May 24, 2012
Case No.:	2007.0558E and 2008.0789E
Project Address:	Transit Center District Plan and Transit Tower
Zoning:	P; C-3-O; C-3-O(SD); C-3-S; TB-DTR Various Height and Bulk Districts
Block/Lot:	Multiple; 3720/001(Transit Tower)
Project Sponsor:	San Francisco Planning Department and Transbay Joint Powers Authority
Staff Contact:	Sarah Jones – (415) 575-9034 Sarah.b.jones@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED AREA PLAN AND ASSOCIATED REZONING OF 145 ACRES ROUGHLY BOUNDED BY MARKET STREET, STEUART STREET, FOLSOM STREET, AND A LINE EAST OF THIRD STREET, AND FOR CONSTRUCTION OF AN OFFICE TOWER UP TO 1,070 FEET TALL ON THE SOUTH SIDE OF MISSION STREET BETWEEN FREMONT STREET AND FIRST STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2007.0558E and 2008.0789E, Transit Center District Plan and Transit Tower (hereinafter "Project") (State Clearinghouse No. 2008072073), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

   A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 20, 2008.

   B. On September 28, 2011, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

   C. Notices of availability of the DEIR and of the date and time of the public hearing were posted in the project area by Department staff on September 28, 2011.

D. On September 28, 2011, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on September 28, 2011.

2. The Commission held a duly advertised public hearing on said DEIR on November 3, 2011 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on November 28, 2011.

3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, addressed changes to the proposed project, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on May 10, 2012, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.

5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

6. On May 24, 2012, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

7. The Planning Commission hereby does find that the FEIR concerning File No. 2007.0558E and 2008.0789E, Transit Center District Plan and Transit Tower, reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR, including both the Transit Center District Plan and Transit Tower:

A. Will have a significant project-specific effect on the environment by altering public views of the Plan area from key long-range vantage points (visual); changing zoning controls in the Plan area in a manner that could result in adverse impacts to historic resources through demolition or substantial alteration (cultural resources); resulting in traffic growth that would adversely affect

local intersection operation (transportation); causing a substantial increase in transit demand that could not be accommodated by adjacent capacity (transportation); resulting in a substantial increase in transit delays (transportation); creating a volume of pedestrian activity that would cause pedestrian level of service to deteriorate (transportation); resulting in development that would create potentially hazardous conditions for pedestrians and bicyclists (transportation); resulting in a loading demand that could not be accommodated within on-site or on-street loading areas (transportation); resulting in construction activity that would result in disruption of circulation (transportation); creating noise levels in excess of standards and introducing sensitive receptors in areas with high noise levels (noise); exposing sensitive receptors to high levels of particulate matter and toxic air contaminants (air quality); resulting in construction-period emissions of criteria air pollutants and dust (air quality); creating shadow that could adversely affect the use of various parks and open spaces (shadow); and

B. Will have a significant cumulative effect on the environment in that it would, in combination with other reasonably foreseeable probable future projects, alter the visual character of greater Downtown and alter public views of and through Downtown (visual resources); adversely affect historical resources (cultural resources); contribute to congested conditions at the Fourth/Harrison and First/Harrison freeway on-ramps (transportation); result in cumulative noise impacts (noise); result in cumulative air quality impacts (air quality); and create new shadow that would adversely affect the use of various parks and open spaces (shadow).

9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 24, 2012.

Linda Avery
Commission Secretary

AYES:	ANTONINI, BORDEN, FONG, WU
NOES:	MOORE
ABSENT:	MIGUEL
RECUSED:	SUGAYA
ADOPTED:	May 24, 2012

328246.1

ATTACHMENT C

City and County of San Francisco: Office of City Attorney

Louise H. Renne,
City Attorney

Burk E. Delventhal
Deputy City Attorney
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Elizabeth M. Katz
Legal Assistant

30 June 1989

The Honorable Bill Maher, Member
The Board of Supervisors of the
City and County of San Francisco
City Hall, Room 235
San Francisco, California 94102

Dear Supervisor Maher:

You have posed the following question: Once they have exercised their duty to adopt criteria to implement the Sunlight Ordinance, may the City Planning Commission and the Recreation and Park Commission subsequently reconsider and, if they find they have cause to do so, amend these criteria? We have determined that the authorization of the commissions to adopt criteria for the implementation of the provisions of the Sunlight Ordinance includes the power and the duty regularly to examine and where necessary to amend the criteria to ensure that the implementation of the Ordinance achieves its objectives. Our analysis follows.

On March 14, 1984 eight Supervisors submitted the so-called Park Shadowing Ordinance to the Registrar of Voters with instructions that it be placed on the ballot. On June 5, 1984, the voters of the City and County of San Francisco approved the measure denominated on the ballot as Proposition "K".

Now embodied in City Planning Code Section 295 and known by the City Planning Commission and the Recreation and Park Commission as the Sunlight Ordinance, the measure requires the City Planning Commission to disapprove permit applications for buildings that would significantly shade Recreation and Park Commission property. The law allows for certain exceptions, and provides in pertinent part that "[t]he City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this ordinance. . . ."

The City Planning Commission and the Recreation and Park Commission met on February 7, 1989, and adopted joint resolution number 15268. That resolution accepted the staff-recommended

criteria for the implementation of the Ordinance and set July 1, 1990 as the date for review of the criteria. Supervisor Maher now asks whether the commissions may reconsider the criteria.

Neither the Ordinance nor the ballot summaries and arguments address this issue. Therefore, we look first to the commissions' interpretation of the law, next to the powers necessarily implied in the law and finally to an interpretation which will be reasonable and consistent with the policy of the law.

The administrative construction of a statute is entitled to great weight and a court will not substitute its judgment for that of an administrative agency if there appears to be a reasonable basis for the latter's construction. (Ontario Community Foundations, Inc. v. State Board of Equalization (1984) 35 Cal.3d 811, 816.) Accordingly, we turn to the minutes of the joint meeting at which the two commissions adopted criteria for implementation of the Sunlight Ordinance.

The minutes of the February 7, 1989 meeting of the two commissions demonstrate that members of the public expressed the need for latitude, discretion, and flexibility on the part of the commissions; members of the commissions stated their belief that they were empowered to re-examine and amend the criteria in the future. (Minutes, pp. 3-5.) Clearly both members of the public and members of the commissions assumed that within the broad outlines of the enabling ordinance, the commissions were empowered to exercise their discretion in implementing it.

That discretion involves review of the criteria in light of new information and experience. The reviewing power would be meaningless if the commissions could not amend the criteria should they find such amendment necessary to secure the objectives of the Ordinance.

Further, government officials may exercise such additional powers as are necessary for the due and efficient administration of powers expressly granted by statute, or as may be fairly implied from the statute governing the powers. (Leslie Salt Co. v. San Francisco Bay Conservation & Development Commission (1984) 153 Cal.App.3d 605, 614.) Whatever is necessarily implied in a statute is as much a part of it as that which is expressed. (Griffis v. County of Mono (1985) 163 Cal.App.3d 414, 428; see McConoughey v. Jackson (1894) 101 Cal. 265 [the legislative body of a municipal corporation has the implied power to rescind previous votes and orders at any time before the rights of third

persons have vested, if consistent with the law of its creation and its rules of action]; see also Clark v. Patterson (1977) 68 Cal.App.3d 329, 334 [San Francisco Board of Supervisors has the implied power to withdraw a proposed initiative charter amendment, as long as no rights have vested].) As the Clark Court said:

> Legislative bodies, no less than private individuals or commercial entities, require a measure of flexibility in their dealings and transactions. They, acting as representatives of the people, must have the ability to undo what they have done, given compelling circumstances. (Ibid.)

The same principles apply in the case of the Sunlight Ordinance. Acting in a quasi-legislative capacity as representatives of the people, the commissions have the implied necessary power to evaluate on a continuing basis whether the criteria continue to be best suited to achieving the objectives of the Ordinance, in view of experience and new information. If the criteria are deemed insufficient, the commissions have not only an implied power but indeed a duty to undo and alter what they have done, so as to fulfill the will of the people and to carry out the purposes of the Ordinance.

Finally, statutes must be construed in a reasonable, commonsense manner consistent with the apparent purpose and underlying intent; the construction must be practical rather than technical, and it must promote wise policy rather than mischief or absurdity. (Herbert Hawkins Realtors, Inc. v. Milheiser (1983) 140 Cal.App.3d 334, 338.) These principles dictate the commissions' duty and power to reconsider and where necessary to amend the criteria for implementing the Sunlight Ordinance.

The commissions used a complex process to adopt their initial criteria, and the criteria themselves are not simple. In light of such complexity, even a brief review of the history suggests that the commissions may well need to fine-tune both the process and the criteria in the future. The commissions utilized many sources (e.g., Sunlight Access Computer System figures, departmental staffs' recommendations, additional presentations and a noticed public hearing) to adopt their initial two-step approach. (Memorandum to the City Planning Commission and the Recreation and Park Commission from the Department of City Planning and the Department of Recreation and Park, February 3, 1989, p. 3; Minutes p. 6.)

The first step is to set an absolute cumulative limit (summed up over a period of one year) for new shadow allowed in each park, based on current shadow conditions in the park and the size of the park. (Memorandum, pp. 1-2.) The second step is to determine individual building impacts and allocate a portion of the additional allowable shadow among specific projects within the absolute cumulative limit. The evaluation of an individual building's impact depends on a variety of qualitative factors. (Memorandum, pp. 2-3.)

The original, carefully considered, absolute cumulative limit and qualitative factors may prove sufficient. However, if new information and experience prove that the criteria are unnecessarily restrictive or are ineffective to protect parks and playgrounds from shadow and shading, then the commissions, as representatives of the people, have the implied necessary power and indeed a duty to change them.

Very truly yours,

LOUISE H. RENNE
City Attorney

Burk E. Delventhal
Deputy City Attorney

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File 120696

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July 2, 2012

Via Email and Hand Delivery

San Francisco Board of Supervisors
Angela Calvillo, Clerk of the Board
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Email: Board.of.Supervisors@sfgov.org

Re: Response to Appeal of Planning Commission Certification of Final Environmental Impact Report (EIR) for the Transit Center District Plan and Transit Tower (State Clearinghouse No. 2008072073), Planning Department Case No. 2007.00558E and 2008.0789E

Dear Supervisors:

The Transbay Joint Powers Authority (TJPA), project sponsor of the Transit Tower project, hereby responds to the June 13, 2012 letter filed by Sue C. Hestor appealing the Planning Commission's May 24, 2012 certification of the EIR for the Transit Center District Plan (TCDP) and Transit Tower. This appeal, which focuses primarily on the vague claim that the EIR inadequately analyzed shadow impacts, is entirely lacking in merit because this topic is extensively covered in Section IV.J (Shadow) of the EIR. As further explained below, additional allegations in the appeal letter, that the EIR inadequately explains "policies on shaping the City regarding City form, building heights and how the City is seen" and "housing needs," to the extent that these are comments on the EIR rather than on the proposed TCDP and Transit Tower, are similarly lacking in merit because these topics are fully covered in the sections of the EIR analyzing Aesthetics (Section IV.A) and Population and Housing, Business Activity and Employment (Section IV.C). The appeal presents no evidence to support its allegations, and should therefore be rejected.

The purpose of the TCDP is to increase the density of development in the southern Financial District, and thereby provide critical funding for the Transbay Transit Center/Downtown Rail Extension Project, which is the centerpiece of the Plan, and for other infrastructure in the Plan Area.[1] Accordingly, the TCDP calls for exemplary transit-oriented development. The TCDP will create a livable, pedestrian scale community that focuses growth in close proximity to the Transbay Transit Center, which is now under construction. The Transit Center will be a regional multi-modal transportation facility serving 11 different transportation systems at a single location.[2] Therefore, concentrating growth in the area around the Transit Center supports the strong State policies expressed in AB 32 (reduction of greenhouse gases) and SB 375 (creation of sustainable communities). The Transbay project will create, directly and indirectly, more than 125,000 jobs, and will increase the Gross Regional Product by more than a billion dollars. The Transit Center will also create 5.4 acres of new public open space in the heart of this walkable downtown district. Moreover, the TCDP overlaps the Transbay redevelopment area, in which 2,600 new housing units will be constructed. By state law, 35% of the housing units in the redevelopment area must be affordable.

The TCDP and the Transit Tower also will provide crucial funding to ensure that the full benefits of the Transit Center are realized, including the completion of the Phase 2 Downtown Rail Extension. The sale of the Transit Tower property for development, which depends on certification of the EIR, will contribute $185 million to the Transit Center project. This is precisely the result envisioned by the State when the Transit Center project was conceived. In addition, the TCDP will establish a Mello-Roos district and new impact fees. These fees will largely be used to fund the Transit Center, but also will be used to augment existing fees for Muni, affordable housing, child care, and downtown open space.

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[1] This letter incorporates by reference the CEQA Statement of Overriding Considerations adopted by the Planning Commission on May 24, 2012.

[2] Muni, AC Transit, SamTrans, WestCAT, Golden Gate Transit, Greyhound, BART, Caltrain, Amtrak, future high-speed rail, and paratransit.

The Transit Tower will also make a unique and enduring contribution to downtown urban form. The Transit Tower is designed to be the iconic center of the City skyline. The design will create a new, clear "crown" at the center of the skyline and provide balance to other tall features (hills and the Transamerica Pyramid). The Transit Tower will create access to the new Transit Center rooftop park from both the street level and from a public bridge between the Transit Center and the Transit Tower,[3] and also will create its own new, public ground level open space (Mission Square).

The EIR is extremely thorough in its analysis and disclosure of the environmental impacts that may be caused by the TCDP as a whole and by the Transit Tower. The EIR does not minimize the shadow impacts of either the Transit Tower or the TCDP. On the contrary, the analysis in the EIR is overly conservative, because it assumes maximum build-out of new buildings on all TCDP opportunity sites without any reduction due to architectural design features that would reduce potential shadows or diffusion due to distance and other factors. Approximately 80 pages, 46 figures, and detailed tables in the Draft EIR and the EIR Comments and Responses (C&R) volume illustrate, describe, and fully disclose the shadow impacts of the TCDP and Transit Tower on every affected Recreation and Park Department park. Shadow impacts on other Section 295 parks, open spaces not subject to Section 295, and sidewalks are analyzed as well (see Draft EIR, pp. 518-521). This analysis and these figures disclose the maximum possible extent of shadows (see, e.g., Draft EIR, p. 470), conservatively assume that shadows would have definite edges rather than diffuse edges (see C&R, pp. 96 to 98), and show the entire length of the shadows. As the EIR discloses, these impacts would be significant and unavoidable.

As indicated above, the EIR overstates the actual shadows from high-rise structures proposed for the TCDP. For example, the total new shadow cast by the Transit Tower would be relatively small and would not result in major changes in use of the affected parks because the areas that would be newly shaded would be minimal at most times of the day and year. The Transit Tower would consist of a 920-foot tall building with a 150-foot tall sculptural element atop the roof. If the Transit Tower had a solid top instead of the planned sculptural structure, it would

[3] Pedestrian bridges to the Transit Center from other adjacent buildings will be developed as well.

result in an increase in shadow on eight affected open spaces of between 0.003% and 0.133% of the annual available sunlight. Because the proposed sculptural element would be a lattice-like structure rather than a solid structure, however, it would not cast a discernible shadow on the eight parks because the sun's rays pass around narrow objects. Therefore, the analysis in the EIR conservatively overestimates the shadow impact of the Tower by including shadow cast by the sculptural element as part of the total building shadow.

Moreover, most net new shadow from the Transit Tower would occur in the early morning hours before 9:15 a.m. The only park shaded in midday would be Justin Herman Plaza. This would occur on a small area of the Plaza between mid-November and late January, from about 1:00-1:40 p.m.

In the C&R document, the EIR notes that at Portsmouth Square, along with St. Mary's Square and Willie "Woo Woo" Wong Playground, observations indicate that many people engaging in early morning exercise in this parks currently do so in areas of the parks that are completely shaded and, therefore, the additional shadow from the Transit Tower is not expected to substantially affect this activity.

The visual impacts of the TCDP and Transit Tower are, similarly, extensively covered in the EIR. Proposed changes to urban form are described in the Project Description (see, e.g., Draft EIR, pp. 17-21, 38-47). More than 90 pages in the Draft EIR and C&R volume and 53 figures (most of which consist of multiple photographs taken from approximately 24 vantage points) fully document and disclose the visual effects on aesthetics and urban form of the TCDP and Transit Tower. As the EIR concludes, the change in the visual character of the project site and from public views would be less than significant because the Transit Tower would be located in an area that already contains a high concentration of tall buildings, and the new Transit Tower would improve the current skyline by enhancing the topographic form consistent with the General Plan (see Draft EIR, pp. 156-171).

Finally, the housing program is described and analyzed in full in the EIR. Housing needs, including market conditions and affordability, are discussed on pages 180 to 183 of the Draft EIR. The General Plan Housing Element, regional housing allocation, land supply available for housing, and the City's inclusionary housing program are discussed on Draft EIR pages 193 to 195. Over 1,200 new housing units can be accommodated on opportunity sites in the TCDP area (see

Draft EIR, pp. 197-198, Table 14, and pp. 204-205), which is an increase of 800 over what can be accommodated under current zoning. This new housing would be required to participate in the City's inclusionary affordable housing program.

For all of the foregoing reasons, the TJPA requests that the Board of Supervisors deny the appeal of the certification of the TCDP and Transit Tower EIR and approve the TCDP.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Ellen J. Garber

cc: Maria Ayerdi-Kaplan, Executive Director, Transbay Joint Powers Authority
John Rahaim, Director of Planning, San Francisco Planning Department
Sarah Jones, Planner, San Francisco Planning Department

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BOARD of SUPERVISORS

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NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, July 10, 2012**

Time: **4:00 p.m.**

Location: **Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

Subject: **File No. 120696. Hearing of persons interested in or objecting to the Planning Commission's decisions, dated May 24, 2012, Certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0558E and 2008.0789E, through its Motion No. 18628, for a proposed area plan and associated rezoning of 145 acres roughly bounded by Market Street, Steuart Street, Folsom Street, and a line East of Third Street, and for construction of an office tower up to 1,070 feet tall on the south side of Mission Street between Fremont Street and First Street - Transit Center District Plan and Transit Tower. (District 6) (Appellant: Sue Hestor on behalf of Save Our Parks Sunlight Coalition) (Filed June 13, 2012)**

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to

Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, July 5, 2012.

Angela Calvillo
Clerk of the Board

DATED: June 22, 2012
MAILED/POSTED: June 29, 2012

BOARD of SUPERVISORS

City Hall
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June 14, 2012

Sue Hester
Attorney at Law
870 Market Street, Suite 1128
San Francisco, CA 94102

Subject: Appeal of Final Environmental Impact Report - Transit Center District Plan and Transit Tower

Dear Ms. Hester:

The Office of the Clerk of the Board is in receipt of your appeal filed on June 13, 2012, from the decision of the Planning Commission's May 24, 2012, Certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0558E and 2008.0789E, through its Motion No. 18628, for a proposed area plan and associated rezoning of 145 acres roughly bounded by Market Street, Steuart Street, Folsom Street, and a line east of Third Street, and for construction of an office tower up to 1,070 feet tall on the south side of Mission Street between Fremont Street and First Street.

A hearing date has been scheduled on **Tuesday, July 10, 2012 at 4:00 p.m.,** at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Please provide 18 copies to the Clerk's Office by:

8 days prior to the hearing:	any documentation which you may want available to the Board members prior to the hearing;
11 days prior to the hearing:	names of interested parties to be notified of the hearing in label format.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira, at (415) 554-7711 or Legislative Clerk, Joy Lamug, at (415) 554-7712.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Glenn Cabreros, Planning Department
Project Sponsor, Sarha Jones, San Francisco Planning Department and Transbay Joint Powers Authority